

The role of memory in urban land restitution: Case studies of five families in Stellenbosch

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Declaration

I, the undersigned, hereby declare that the work contained in this research assignment/thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signature:.....

Date:.....

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Abstract

Limited academic work has paid attention to the memories generated by claimants engaged in the restitution process. My thesis thus sought to investigate the role of memory in urban land restitution, with specific focus on the Stellenbosch context. In my discussion, I highlight how claimant memories are not only generated by the restitution process but how the master narrative of restitution shapes the memories produced. I argue that claimant memories function and gain wider meaning within the collective memory, through which the master narrative of restitution shapes how they remember – and in so doing, how claimants reconstruct the place from which they were removed. My thesis elucidates how, through the individual narratives of removal and dispossession (and thus, the making of place), claimants position themselves as part of a particular and new form of “imagined community” of land claimants.

The context of my research is focussed on the area previously known as *Die Vlakte* which was located in urban Stellenbosch. Disposessed and displaced to the outskirts of Stellenbosch town in the early 1960s, the advent of democracy provided the former residents of *Die Vlakte* the opportunity to claim the land lost. The qualitative methodology of five selected case studies, sought to explore the following objectives of my study: Firstly, to examine how claimants remember and reconstruct the places from which they were removed (that is, the making of place); and secondly, to investigate whether these memories or individual narratives of place are shaped by the master narrative of restitution.

By means of engaging prominent theorists and scholars on memory and the master narrative of restitution, my study analyses the various aspects of memory construction and reconstruction within the collective framework. The research points to the interdependent relationship between individual memory and that of collective memory. It is argued that individual memory can only function as part and in reference to the collective memory. Within the restitution process, research shows that the master narrative of restitution not only shapes but controls and organises memory on a collective and hence, individual level.

My thesis argues that the individual memories of dispossession and removals of the claimants are similar to national narratives and hence, my thesis illustrates, that the five claimant memories of the place from which they were removed in *Die Vlakte* is shaped by the master narrative of restitution. Through relaying these narratives of removals and dispossession they thus draw on the master narrative of restitution (from which they derive legitimacy), in order to legitimise their own claim to land and in so doing, placing themselves within the “new” form of imagined communities of land claimants.

Opsomming

Beperkte akademiese werk het aandag geskenk aan die herinnering wat deur eisers, wie betrokke was in die restitusieproses, gegeneer is. My tesis poog dus om die rol van herinnering in stedelike grondrestitusie, met spesifieke fokus op die Stellenbosch konteks. In my bespreking beklemtoon ek hoe eiserherinnering nie net gegeneer word deur die restitusieproses nie, maar hoe die meesternarratief van restitusie die herinnering wat geproduseer is, vorm. Ek voer aan dat eiserherinnering funksioneer en wyer betekenis verkry binne die kollektiewe herinnering, waardeur die meesternarratief van restitusie vorm hoe hulle onthou – en deur dit te doen, hoe eisers die plek waaruit hulle verplaas is waarvandaan hulle verwyder is, heropbou. My tesis verduidelik hoe, deur die individuele narratiewe van verwydering en onteining (en dus, die skep van plek), eisers hul posisie inneem as deel van „n besondere en nuwe vorm van „denkbeeldige gemeenskap’ van grondeisers.

Die konteks van my navorsing is gefokus op die area wat voorheen bekend was as *Die Vlakte* wat voorheen geleë was in die dorp Stellenbosch. Onteien en verdring tot die buitewyke van Stellenboschdorp in die vroeë 1960s, die koms van demokrasie voorsien aan die voormalige inwoners van *Die Vlakte* die geleentheid om die verlore grond te eis. Die kwalitatiewe metodologie van vyf gekose gevallestudies poog om die volgende doelwitte van my studie noukeurig te bestudeer: Eerstens, om te ondersoek hoe eisers die plekke waarvan hulle verwyder is onthou en heropbou; en tweedens om te ondersoek of hierdie herinneringe of individuele narratiewe van plek deur die meesternarratief van restitusie gevorm word.

Deur gesprekvoering met prominente teoretici en kundiges op die gebied van herinnering en die meesternarratief van restitusie, analiseer my studie die verskeie aspekte van herinnering-opbou en heropbouing binne die kollektiewe raamwerk. Die navorsing wys na die interafhanklike verhouding tussen individuele herinnering en die van kollektiewe herinnering. Daar is aangevoer dat individuele herinnering slegs kan funksioneer as deel van en in verhouding tot die kollektiewe herinnering. Binne die restitusieproses wys navorsing dat die meesternarratief van

restitusie nie net herinnering vorm nie, maar dit ook beheer en organiseer op „n kollektiewe en dus individuele vlak.

My tesis voer aan dat die individuele herinnering van onteining en vverwydering van die eisers soorgelyk is aan nasionale narratiewe en dus illustreer my tesis dat die herinnering van die vyf eisers oor die plek waarvan hulle verwyder is in *Die Vlakte*, gevorm is deur die meesternarratief van restitusie. Deur hierdie narratiewe van verwydering en onteining te vertel, ontleen die eisers aan die meesternarratief van restitusie (waaruit hul wettiging voortkom), om sodoende hul eie eis om grond wettig te verklaar, en deur dit te doen, hulself te plaas in die “nuwe” vorm van verbeelde gemeenskappe van grondeisers.

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List of Acronyms

AFRA	Association For Rural Advancement
ANC	African National Congress
AZAPO	Azanian People's Organisation
CDE	Centre for Development and Enterprise
CLCC	Chief Land Claims Commissioner
CODESA	Convention for a Democratic South Africa
CP	Conservative Party
CRLR	Commission on the Restitution of Land Rights
CT.LTAB	Cape Town Committee of Land Tenure Advisory Board
DEIC	Dutch East India Company
DLA	Department of Land Affairs
GAB	Group Areas Board
IFP	Inkatha Freedom Party
HNP	Herenigde Nasionale Party (Purified National Party)
IMS	Information with regard to the Municipality of Stellenbosch
KAB	Cape Town Archives
LCC	Land Claims Court
LTAB	Land Tenure Advisory Board
MPNP	Multi-Party Negotiating Process
NGO	Non-Governmental Organisation
NP	National Party
PAC	Pan African Congress
RLCC	Regional Land Claims Commission

STB	Stellenbosch
TRC	Truth and Reconciliation Commission
US	University of Stellenbosch
VOC	Vereenigde Oostindische Compagnie (DEIC)

Table of Contents

Abstract	ii
Opsomming	iv
Acknowledgements	vi
List of Acronyms	vii
List of Figures, Maps, Tables and Illustrations	xii

Chapter 1: Introduction	1
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1.1. Introduction	1
1.2. Rationale and Research Problem	2
1.3. Research Methodology	7
1.3.1. Selection of methodology	7
1.3.2. Selection of cases	9
1.3.3. Gaining access to the families	10
1.3.4. Data collection and analysis	11
1.4. Ethical considerations	13
1.5. Limitations to the study	13

Chapter 2: Conceptual Framework	15
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2.1. Introduction	15
2.2. The “master narrative” of land restitution, place and memory	15
2.3. The making of place	25
2.4. On “collective memory”	30
2.5. Memories of the past: Limits of South African land restitution	35

Chapter 3: Dispossession and Land Restitution	37
3.1. Introduction	37
3.2. Establishment of Stellenbosch Town	37
3.3. <i>Die Vlakte</i> : “Town within a town”	40
3.4. Group Areas Act 41 of 1950: Dispossession by law	48
3.5. <i>Die Vlakte</i> and the Group Areas Act of 1950	54
3.6. Foundations of land restitution in South Africa	59
3.7. The land restitution process in South Africa	68
3.8. Land restitution in the Western Cape Province	70
3.9. Restitution claims in Stellenbosch	72
 Chapter 4: Case Studies, Family Profiles	 74
4.1. Introduction	74
4.2. Profile of the claimants	74
4.3. Family profiles and family narratives	76
4.3.1. The Osman family	76
4.3.2. The Jacobs family	80
4.3.3. The February family	88
4.3.4. The Toefy family	92
4.3.5. The Alexander family	97
 Chapter Five: Discussion and Conclusion	 106
5.1. Claimant memory and the master narrative of restitution	106
5.2. <i>Die Vlakte</i> : The making of place	111
5.3. “A new life”	114
5.4. Claimants and their perception of the land claims process	115

Sources	120
Appendices	134
Appendix 1: Interview Guide.	134
Appendix 2: Map of <i>Die Vlakte</i>	135
Appendix 3: Photographs	136

List of Figures, Maps, Tables and Illustrations

Figures

Figure 1: Fuad Biscombe's map of <i>Die Vlakte</i> (Source: Giliomee 2007)	44
Figure 2: Stellenbosch town statistics, 1921 (Source: Hendrich 2006)	46
Figure 3: Map depicting Stellenbosch town (demarcated area of <i>Die Vlakte</i>)	135

Tables

Table 1: Population Census, Stellenbosch (US IMS 1956: 1)	46
Table 3: Claims lodged and settled from 1995 to March 2010	71

Illustrations

Picture 1: Childhood home of Mr. Cupido (Source: Aaron Cupido)	56
Picture 2: Osman family house, Bird Street, Stellenbosch (2009)	77
Picture 3: Osman family house, Bird Street, Stellenbosch (2009)	77
Picture 4: Jacobs family house, 17 Baker Street, Idas Valley, Stellenbosch (2009)	81
Picture 5: February family house, 63 Rustenburg Street, Idas Valley, Stellenbosch (2009)	88
Picture 6: Toefy family house, 31 Helshoogte Street, Idas Valley, Stellenbosch (2009)	92

Chapter 1: Introduction

1.1. Introduction

This thesis investigates the role of memory in urban land restitution claims in Stellenbosch through unpacking how the master narrative of restitution shapes the memory of land claimants. Walker (2008, 2005) explores the influence of the master narrative within the restitution programme as a national story, a “simple story/political fable.” However, in my thesis I discuss the master narrative of restitution as a framework which shapes what claimants remember in their local contexts, in the present. I locate my study within a theoretical framework that explores the role of the master narrative of restitution on family memories. In this regard, I discuss theoretical concepts such as the master narrative, the making of place and collective memory.¹ According to Gibson (2004: 204) “a collective memory is a socially accepted understanding of the meaning of the past.” Central to my thesis is thus my exploration of the history of the community from the area previously known as *Die Vlakte* from which claimants in Stellenbosch were removed as a result of the Group Areas Act of 1950, and then draw out the memories of place of the five selected families who were removed from their land in this way. The location of my study is thus Stellenbosch, which forms part of the Winelands District in the Western Cape Province.

My thesis utilises in-depth, semi-structured interviews to explore how individual claimants function within the master narrative of restitution through their affiliation to a particular, “imagined community” (Fay & James 2010: 46) of land claimants – in which memory is constructed and reconstructed for the purposes of restitution. In other words, it is the past as

¹Charlotte Delbo, in speaking to the memory of the Holocaust, describes common memory as “an external memory that resides in the intellect, in thought and in language. Common memory is therefore constituted by and through a historical consciousness that enables a speaking of trauma. Hence, „when I speak to you about Auschwitz my words do not come from deep memory. The words come from external memory, so to speak, intellectual memory, memory of thought” (Grunebaum & Henri 2005: 7).

remembered for the purposes of the present (Eyerman 2004: 162; Fay & James 2010: 41; Bohlin 2007: 125 and Baines 2007: 169). My thesis therefore aims to explore how the master narrative of restitution shapes what claimants remember in relation to their claims lodged (that is, their reasons for claiming land). In addition, my thesis also explores how they remember life before and after the Group Areas Act of 1950 and their experiences of the land restitution process.

As a result of the Group Areas Act of 1950, many families in urban Stellenbosch were dispossessed of their land. With the advent of democracy, those dispossessed were able to claim their land lost as a result of the Act; however, not everyone who was removed took advantage of the opportunity. Hence, there are families who were removed from the area previously known as *Die Vlakte*, in Stellenbosch who have not lodged claims to their land, as well as those who lodged claims to their land when the opportunity first arose but have discontinued with the process for various reasons. In order to frame my study, my thesis is only focused on the five selected claimants who have lodged a claim to the land from which they were dispossessed

1.2. Rationale and Research Problem

Anna Bohlin and Uma Dhupelia-Mesthrie, two analysts who have studied urban restitution extensively, have drawn attention to both the neglect and the significance of the symbolic aspect of urban land claims. In their research they argue that little academic work has paid attention to the memories generated by claimants involved in the restitution process (Dhupelia-Mesthrie 2006 and Bohlin 2004, 2007). Bohlin (2007: 114) contrasts the paucity of academic work on how the Commission on the Restitution of Land Rights (CRLR) has generated new forms of memory with that on the Truth and Reconciliation Commission (TRC). Furthermore, with regard to the lack of attention provided by academia to memory generation within restitution, in her chapter, Dhupelia-Mesthrie (2010: 87) points to the importance of the non-material issues in the restitution process. In referring to the land restitution programme in South Africa, Bohlin (2004) says that “few [studies] have focused on its symbolic implications.” She refers to the production of memory within the master narrative of restitution as a “side effect” of the restitution programme. She also refers to the restitution programme as “one of the most symbolically

charged policy programmes” (Bohlin 2004: 672). Speaking to the role of memory in restitution, Walker (2000: 2) states that, “the Commission works with living memory all the time.” In line with this, she states that “memories of place, of what was lost, the identities that percolate through those memories, the politics of place – these are constantly manifested in all the claim forms, letters and supplications stacked in their thousands in brown government folders in the Commission’s registry” (Walker 2000: 2).

Taking into consideration the views of the aforementioned scholars with regard to the lack of academic work on the role of memory in restitution, and the significance of the intangible associated with the land restitution programme, the aim of my thesis is to investigate how the master narrative of restitution shapes the way the five selected claimants remember the place(s) from which they were dispossessed as a result of the Group Areas Act of 1950. In this regard, the aim of my thesis is supported by primary literature of well-known land and restitution experts, including Derrick Fay and Deborah James, as well as Uma Dhupelia-Mesthrie.

Very little is known about urban land claims in Stellenbosch, making it a good topic to research. A study by the Centre for Development and Enterprise (CDE) (2009) specifically focused on claims on farming property around urban Stellenbosch. No mention was made of urban land claim cases. In the Western Cape and Cape Town, specifically, much attention (both media and public) has been and still is directed toward the land restitution process in District Six. In a sense, the iconic and priority status (Mesthrie 2006: 5 and Walker 2010: 255) accorded this set of claims within the restitution process has overshadowed many other small town land claims and has thus silenced the voices of those communities. In this regard this thesis also wants to provide a platform for some voices of Stellenbosch urban claimants to be heard.

Following this introductory chapter, Chapter 2 of my thesis provides a discussion on the conceptual framework. The conceptual framework includes discussions on: (a) the “master narrative” of land restitution, place and memory; (b) the making of place; (c) on “collective memory” (which includes a discussion of collective memory in South Africa); (d) memories of the past: limits of South African land restitution. Chapter 3 presents a historical picture of

Stellenbosch town and the area previously known as *Die Vlakte*; the Group Areas Act within the national context as well as its impact on *Die Vlakte* and its residents; and then discusses the foundations and development of land restitution in South Africa. In providing this historical picture of Stellenbosch town, this chapter aims to also provide information as to how the area of *Die Vlakte* was established (that is, brought into social existence). Chapter 4 of this thesis provides the findings from the fieldwork I have conducted. This chapter also aims to view the primary data gathered during fieldwork through the lens of the conceptual framework. Chapter 5 of my thesis presents the discussion and conclusion.

In discussing the making of place I aim to highlight that place is not only space inhabited by certain individuals and communities, but that place is made by its very inhabitants, through the latter assigning names, labels, meanings and memories to the place in which they are located. In this regard, "... place is made and takes on meaning through an interaction process involving mutual accommodation between people and the environment" (Memmott & Long 2002: 39). This point is taken further in my discussion on the sense of place, that is, the way in which individuals and communities are able to extract from the bounded, tangible place that which is intangible (that is, memories, meanings, etc). This leads to my discussion of place as a person-environment nexus. In this discussion I highlight that "bonds between individuals (or social groups) and places constitute part of the personal identity of those individuals (or identity of the social group)" (Memmott & Long 2002: 40). In this sense, place is made by those who inhabit it and meaning is ascribed and memories extracted within a collective, social framework.

Thereafter, I move toward a theoretical discussion on collective memory. I take my point of departure from the sociological works of Maurice Halbwachs and the scholars who have reviewed and built upon his theories. Central to Halbwachs' theory on the collective memory is that the individual can only remember by inference of the collective. In other words, an individual remembers through interaction with other social actors within a particular community (this will be discussed at greater length in Chapter 2). Woods (2006) quoted Halbwachs in stating that:

The past and its related memory is not preserved as a set stable form of knowledge, but that it is the past which is continuously reconstructed in terms of the present in the interaction of social actors within the framework of the social environment.

Collective memory within the South African context is subsequently discussed with reference to the study conducted by James Gibson in 2001. His study revealed that black South Africans were more likely to accept a collective truth of South Africa's past than whites (Gibson 2001: 39). (The term black refers here to people who would have been classified under the racial/ethnic designations of the Population Registration Act of 1950 as African, coloured, and Asian or Indian). I then discuss the idea of a collective memory of South Africa's apartheid past with a specific focus on the removal of many black South African citizens from their homes as a result of the Group Areas Act of 1950. In light of the opportunity accorded to those dispossessed by this Act to claim land from which they were removed, my thesis aimed to investigate how the memory of the urban Stellenbosch claimants' past is shaped by the master narrative of land restitution within South Africa and specifically, Stellenbosch.

The point of departure for the master narrative of restitution is taken from the academic and former Regional Land Claims Commissioner (RLCC) in KwaZulu-Natal, Cheryl Walker. As previously stated, Walker discusses and defines the master narrative of restitution as an overly simple national story (Walker 2005: 807), which nevertheless works well as a political fable. In this context she discusses how the master narrative shapes the way in which people present their claims, and my thesis builds on this discussion. Walker's discussion of the master narrative of restitution serves thus as the basis upon which my thesis builds, in relation to literary scholarly support. As stated earlier Bohlin (2007: 115) attests to the master narrative of restitution as a side-effect of the restitution programme through the production of memory. My thesis thus states that the collective master narrative is generated and is a product of the restitution process itself. What claimants remember is thus shaped by this collective master narrative (brought about by the restitution process) which legitimises their respective memories within the framework of land restitution. In relaying narratives of removal and dispossession, claimants legitimise their

memory and subsequently secure their inclusion in the imagined community of land claimants. It should be noted at this stage that the master narrative of restitution is not the only phenomenon which could play a role in shaping claimant memories. For the purposes of my thesis, I discuss the role of memory in urban land restitution, shaped by the master narrative of restitution.

More importantly to how the master narrative shapes how and what people remember, is that through this process, the past is remembered in terms of the purposes of the present. This was highlighted in my discussion above on Halbwachs' theory on collective memory. "Land restitution brings the past into the present ... the loss is simultaneously material and symbolic" (Fay & James 2006: 2 and Fay and James 2010: 41). In this regard, Mesthrie (1997: 40) says that:

Memory far from being fixed and rooted is ... a profoundly complicated construction and an active process ... past events, in their own complexity, are worked and reworked.

My thesis thus aims to investigate how the master narrative of restitution shapes the memories of the five selected claimants, and hence, their making of the place from which they were removed. And this reworking or reconstruction of memory helps claimants legitimise their claim to land and allows them to position themselves as part of a new formed "imagined community" of land claimants.

Although many studies have been conducted on the topic of land restitution in South Africa, few studies have explored the issue of the role of memory, and no previous study has investigated land restitution within the town of Stellenbosch. I therefore, explore the topic of land restitution in urban Stellenbosch, in order to provide a "basic familiarity" (Babbie & Mouton 2001: 79) of land restitution within this context.

1.3. Research Methodology

Methodologically, I engaged in a literature review and theoretical framework in order to contextualise the research topic, conducted interviews with a key informant (that is, a prominent community leader), as well as conducted in-depth interviews with members of five selected families, whom I visited over several months. Furthermore, I engaged in documentary analysis through engaging archival material.

This section of the thesis discusses my research methodology. I start with a discussion on the qualitative research methodology employed in my thesis and how this shaped my research design. This is followed by a discussion of how I gained access to the respondents selected in this thesis. Lastly, I discuss the data collection process and analysis employed, as well as the ethical considerations and limitations of my study.

1.3.1. Selection of methodology

The research questions which guided my study were as follows:

1. How was life for you and your family in *Die Vlakte*?
2. What were the social interactions between the residents in *Die Vlakte*?
3. What happened during the implementation of the Group Areas Act of 1950 in the area?
4. How was life for you and your family after the Group Areas Act of 1950?
5. Where was your family removed to?
6. Why have you and/or why did you lodge the claim to land?
7. What are/were your experiences of the land claims process?
8. How would you describe your interaction with the land claims officials?
9. What form of settlement have you opted for? And why?

The research questions I selected, as outlined above, informed the research design employed in my thesis. In other words, the information I intended to gather for my thesis was sought more successfully through a qualitative research design. Because my study is exploratory, I decided to employ a qualitative research methodology. In this regard, I selected five families as case studies and gathered information through visits over a period of time (both formal and informal), in-depth and semi-structured interviews. I also engaged in a general literature review, developing my theoretical framework in attempts at contextualising my primary data. The exploratory nature of my study therefore, required a flexible approach to explore an under-explored topic in order to gain insight into the role of memory in urban land restitution.

The status of case study research has generated vigorous debate among social scientists. Sinkler (2007: i) concurrently provides for a valuable analogy to the notion of case studies as the “explanation of individual historical events.” He states that the explanation of individual events is what makes case studies such indispensable tools for searching out new information that might improve our general knowledge of the social world. He provides the reader with an interesting graphic illustration of case study research when he relates case studies to that of a medical examiner conducting an autopsy. According to Sinkler (2007: i) the goal of the medical examiner is not to test a “general theory of death,” but to use his/her knowledge about the causes of death to explain a particular instance of it.

In order to understand the application of case study research to this study it is important to understand just “what” or “who” the case is. To begin with, a case can be an individual, group, community, cohort, etc. However, the nature of the case depends upon what exactly it is one wants to investigate. Therefore, a case study is a methodology which aims to investigate that which one wants to find out to answer specific research questions (Gillham, 2000: 1). Furthermore, “... it seeks a range of different kinds of evidence, evidence which is there in the case setting, and which has to be abstracted and collated to get the best possible answers to the research questions” (Gillham, 2000: 1-2). Gillham’s account ties in with Huberman and Miles (2002), and their multiple data collection techniques, discussed further below. Multiple sources of

evidence, each with its strengths and weaknesses, “... is a key characteristic of case study research” (Gillham 2000: 2).

Huberman and Miles (2002: 9) state that “... case studies typically combine data collection methods such as archives, interviews, questionnaires, and observations.” Furthermore, “the evidence may be qualitative (e.g. words), quantitative (e.g. numbers), or both.” In addition, “... case studies can be used to accomplish various aims: to provide description, test theory, or generate theory” (Huberman & Miles, 2002: 9). The case study research approach for the purpose of my thesis aimed to provide a description of the role of memory in urban land restitution, within the framework of the master narrative of restitution. My thesis thus employs the case study methodology as an in-depth exploration of an under-investigated phenomenon, and is not necessarily representative. For my study, a case study refers to the claimants selected for participation in my research.

1.3.2. Selection of cases

Gillham (2000: 10) is of the opinion that “qualitative methods focus primarily on the kind of evidence (what people tell you, what they do) that will enable you to understand the meaning of what is going on.” The five claimants were selected because they had lodged a claim to urban land in Stellenbosch. At the time of my research, four of the claimants were still in the process of having the claims settled with one family having had their claim settled. The manner in which I selected the five claimants comprise of two phases, these are discussed below.

1.3.2.1. Phase 1

Initially, I had decided to select the families from information provided by the RLCC office in Strand Street, Cape Town. After making contact with Kholeka Ngonyama and Franz Zottl, I was given a list of sixty claimants who lodged claims to urban land in Stellenbosch, together with their contact details, in an Excel spreadsheet via electronic mail. From the list of claimants provided, I randomly selected fifteen claimant families. However, upon initially contacting the

selected claimants they were reluctant to meet with me, given the sensitive nature of land claims. Because of this obstacle, I realised I needed a new strategy in selecting my individual cases.

1.3.2.2. Phase 2

I thereupon proceeded to make contact and establish rapport with a prominent community leader, Mr. Aaron Cupido. After engaging with him for several weeks, I was able to get a list of names and contact details of former residents of *Die Vlakte* who had attended land claims meetings for urban Stellenbosch. Of the fifteen claimants I initially selected from this list, I was able to contact successfully and establish rapport with five claimants, who became my core informants.

In engaging with these claimants and the well-known community leader over time, my thesis aimed to “... give a human face to the research problem” (Mack, Woodsong, MacQueen, Guest, Namey 2005: 29). I spent time with the claimants over a period of time and used the in-depth interview technique to elicit a picture of the claimants and the role of their memories in urban land restitution. In-depth interviews are appropriate in eliciting individual experiences, opinions and feelings, in order to explore the responses of interviewees, including nuances and contradictions (Mack *et. al.* 2005: 30). This technique is also appropriate in addressing sensitive topics in order to get an interpretive perspective (that is, the connections and relationships a person sees between particular events, phenomena and beliefs) (Mack *et. al.* 2005: 30). The flexibility of interviews results in a long series of probes (i.e. an intervention to elicit more information, not necessarily in the form of a question) that deeply investigates the subjective areas of respondents’ minds. Such interviews allow for open-ended questions in which the respondent can provide his/her own answers and reflect on what he or she has said.

1.3.3. Gaining access to the families

As stated above, I established rapport with a well-known community leader, Mr. Aaron Cupido, who is familiar with most of the claimant families selected. Mr. Cupido was the chairperson of the Land Claims Committee in Stellenbosch at the start of the land restitution programme in

Stellenbosch. Mr. Cupido's contact details were obtained from the Department of History at the University of Stellenbosch, when I was inquiring to arrange an interview with academic historian, and author of the book "*Nog Altyd Hier Gewees*" (2007), Prof. Hermann Giliomee. This book acknowledges Mr. Cupido and its title was derived from a statement made by Mr. Cupido in discussing former coloured residents of Stellenbosch town. After a couple of meetings with Mr. Cupido, he provided me with the names and contact details of additional families who had attended land claims meeting, with whom he was familiar. The names received from Mr. Cupido were similar to the names provided on the list by the RLCC office in Cape Town and thus I began from scratch in contacting the selected families.

As a result of my now, new affirmed affiliation with Mr. Cupido, the land claimants I contacted were more amicable, receptive and willing to participate in my research when they were told that I had obtained their contact details from Mr. Cupido. Although the five families were initially selected from the list provided by the RLCC office in Cape Town, those who had been reluctant were more willing to participate when I mentioned Mr. Cupido (who hence became a mutual point of contact).

1.3.4. Data collection and analysis

Data was collected by means of informal as well as in-depth interviews with the claimants contacted by myself, as well as informal interactions and visits over a period of ten months. I was therefore, able to establish relationships with the five selected claimant families and build rapport with them. In this time period, I spent time visiting and talking to claimant families informally – and in this way, built a picture of the claimant families over time. The in-depth interviews were guided by the research questions, but not confined by a predetermined sequence of issues to be covered; rather, issues were pursued as they arose in the interview. The research questions provided a guide for the interview with probing questions included. Although my interview guide was in English, I was able to provide flexibility and hence, both English and Afrikaans were used, depending on the preference of the interviewee. All interviews were

recorded (using a cassette-type dictaphone) and then transcribed. The Afrikaans responses were transcribed verbatim and translated into English, for analysis purposes.

Data analysis included thematically coding the responses provided by claimants, and in so doing, I was able to (i) compile a profile of the respective families; (ii) provide information on the impact of the Group Areas Act on the families' life; (iii) provide information on why they have lodged their claims; and (iii) provide information on claimants' opinions of the land claims process. All the quotes in this thesis were originally recorded in the language the claimants' responded (that is, some parts were recorded and transcribed in English and some parts in Afrikaans).

In addition to the data obtained through interviews, I also relied on documentary analysis to gain background information on the history of Stellenbosch and the restitution process. Information used in this thesis is of a primary and secondary nature. Information of a primary nature includes archival material from the Cape Town City Archives (*KAB*); J. S. Gericke library at Stellenbosch and IMS booklets, also known as "Information with regard to the Municipality of Stellenbosch (IMS);" information gathered from the in-depth and semi-structured interviews with the claimant families; and information gathered from in-depth interviews with a prominent community leader and primary documentation provided by the community leader. Information of a secondary nature was gathered through engaging books, journal articles, dissertations, unpublished papers and conference papers.

Through employing the case study methodology I was able to gauge the memory of claimant families in relation to their dispossession as a result of the Group Areas Act of 1950 – more specifically, to investigate the role of memory in urban land restitution in Stellenbosch. I was therefore able to search for new knowledge with regard to the role of memory in urban land restitution within the context of Stellenbosch, taking into account that there is no previous research which has been conducted in this regard within the context of urban Stellenbosch.

1.4. Ethical considerations

The research was conducted in conformity with the “Framework Policy for the Assurance and Promotion of Ethically Accountable Research” of Stellenbosch University (2008). The claimants were given the necessary information to provide informed consent before the start of their interviews. All those interviewed were eager to voice their stories of removal and dispossession, and in this regard gave me permission to use their names directly in my thesis. The interviewees did not feel my study posed any risk to them. My gaining permission to use their names in my thesis also strengthens the credibility of the evidence I present.

1.5. Limitations to the study

One of the limitations of this study in terms of its methodology is the small number of families I was able to interview in the available time. The problems with the issue of accessing claimants through the RLCC list have already been described. However, in my visits to the five selected families over time it became clear that there was sufficient overlap in their stories to suggest that the responses I was receiving and exploring would have resonated among other Stellenbosch claimants.

Second, I was unable to gather information on individuals who have not made land claims, but could have been eligible to do so.

Finally, my thesis aims to explore the role of memory in urban land restitution in Stellenbosch (hence, how the master narrative of restitution shapes memory in this regard). However, all of the claimants interviewed for my thesis are middle class² individuals. Every family profiled owns their home. The families selected are therefore relatively well-off. This could affect the way in which they relate to place both in the past and in the present, as well as their experience

² “Middle class” individuals, for the purpose of this thesis are defined as, (i) living in formal housing; (ii) water tap in the dwelling; (iii) flush toilet in the dwelling; (iv) electricity is main light source; (v) electricity or gas is main cooking source; and (vi) has a landline phone or a household member has a cell phone (Nhlapo & Anderson, *Profiling South African Middle Class Households: 1998-2006*).

and expectations of restitution. Investigating the role of memory in urban land restitution in Stellenbosch in terms of class distinctions would be an important area for further research.

Chapter 2: Conceptual Framework

2.1. Introduction

In this chapter I set out the general theoretical framework informing my understanding of the making of place and memory, specifically, collective memory, drawing primarily on the works of Halbwachs, Eyerman and Goffman, among others. Discussions in this chapter will focus on: (a) the “master narrative” of land restitution, place and memory; (b) the making of place; (c) “collective memory;” and (d) memories of the past: limits of South African land restitution.

2.2. The “master narrative” of land restitution, place and memory

In addressing the injustices of removing 3.5 million black South African citizens from their land as a result of various racially, discriminatory laws, including and among others; the 1913 Natives Land Act, The Trust and Land Act of 1936, The Trading and Occupation of Land Restriction Act 35 of 1943 (also referred to as the Pegging Act of 1943), the then, “newly” elected ANC-government aimed to right the wrongs of the past dispossessions through restitution. Of the most notorious of these laws was the implementation of the Group Areas Act of 1950 (discussed at greater length in the next chapter). During the period of the decline of the apartheid regime, the principles which informed the Restitution of Land Rights Act 22 of 1994 were “hammered out” (Walker 2005) in the Interim Constitution of 1993. The act provided the opportunity for every person or community dispossessed of rights as a result of racially discriminatory laws to claim such rights, however, subject to certain limitation. The said limitation being that the act of dispossession had taken place after 19 June 1913 and that those dispossessed had not received just and equitable compensation for their land (Walker 2008: 6).

The historical cut-off date of 19 June 1913 is the day the notorious Natives Land Act came into effect and created black reserves which underpinned the policy of separate development (Jaichand 1997: 32).

The following discusses the idea of a master narrative of restitution against this background. In reference to narratives and collective memory, Eyerman (2004: 162) argues that “while the past may be embodied in material objects, in the way a town or city is structured, or the arrangements in a museum which are laid out to recall aspects of the past in a particular way, what the past means is recounted, understood and interpreted and transmitted through language and through dialogue. These dialogues are framed as stories, narratives which structure their telling and influence their reception.” Eyerman’s note on the past embodied in arrangements in a museum, laid out to recall the past or aspects of it, speaks to the Cape Town example, encapsulated in the District Six Museum. In the latter the museum is arranged in a way which depicts aspects of the past, through the tangible, audio, and audio-visual narratives. Through this, the museum allows visitors to recall the past of District Six and its community in a particular way. Furthermore, it can be said that Eyerman’s mention of narratives in recalling the past is of utmost importance for the purposes of my thesis, in that, it is the very narratives of the five selected claimants which I engage.

My thesis thus draws on the works of scholars who discuss the master narrative as providing not only a picture of the past, but also a framework in which individuals are able to function within the collective. Among these scholars are Eyerman (2004), Reddy (2007), Jansen (2002), and Baines (2007).

This thesis argues that the master narrative of restitution not only provides a national story, but that it also provides a framework within which individuals in particular communities are oriented as to how to act, what to remember, what to forget, who is included and who is excluded. Within the specific context of Stellenbosch, the relationship between individuals could also be explained by the notion of paternalism. I discuss paternalism as more of a “dominating friend” – relating to the social relationship among the residents of *Die Vlakte*. In this paternalistic milieu the social actors have not only accepted, but have internalised their social roles. Paternalism will be discussed further in Chapter 3.

The master narrative thus shapes memory, but in the words of Eyerman (2004: 162),

... Collective narratives leave more room for individual agency even as they provide the framework through which individual stories gain wider meaning.

In this regard, individuals are not simply passive recipients of the memory, but actively engage in constructing and reconstructing it. In an earlier discussion on the master narrative Eyerman (1991: 162) says that “the past becomes present through symbolic interactions, through narrative and discourse, with memory itself being a product of both, called upon to legitimate identity, to construct and reconstruct it.” This point has been echoed in studies of restitution in South Africa. Bohlin (2007: 125) states that “on a symbolic level, the restitution programme plays a crucial role in terms of how it defines the significance of the past in present day South Africa.” Baines (2007: 169) argues that historical memories are constantly refashioned to suit present purposes. Similarly, Rassool (2010: 30) states that it “... might be possible to approach the individual in a much more theoretically informed way around questions of narrative, the relationship between subjects and discursive practices, and the narrative worlds into which people are born.” In line with this Baines (2007: 175) says that “... collective memory survives only to the degree that memories accommodate individuals’ demands for a usable past.” Dhupelia-Mesthrie (1997: 40) notes with regard to the restitution programme how memory is not fixed.

According to Baines (2007: 169) “... collective memory is the key to legitimising the status quo in terms of the past; ... it prescribes what should be remembered (as well as how it should be remembered) and what should be forgotten.” According to Eyerman (2004: 162) “all nations and groups have founding myths, stories which tell who [they] we are through recounting where we came from, ... and are passed on through traditions, in rituals and ceremonies, public performances which reconnect a group, and where membership is confirmed.” In this way, some individuals are remembered and others are excluded (Eyerman 2004: 162). As Reddy (2007: 148) notes, “narratives of democratic transition and consolidation orient how we interpret, talk about, consider thinkable, and debate the ‘miracle’ of change in South Africa.” Master narratives therefore orientate and guide the manner in which people interact and the way they remember and recollect the past, and the way they collectively view the future. Furthermore Reddy (2007:

148) says that narratives “... – academic, state and popular – variously interact and produce and reinforce a dominant narrative.” These types of narratives can be related to the imposition of order from above within a particular community. However, regardless of whether the narrative has been imposed or accepted through consensus (or internalisation), the narrative establishes a system of relations. Eyerman (2004: 168) says that narratives are part of a necessary “tool-kit” which humans use to make sense of themselves and their history.

The idea of narratives of the past has been applied to the analysis of land restitution in South Africa. Walker suggests that a master narrative has framed the development of the post-apartheid restitution programme. She describes it as having two components, that of loss and of restoration:

The master narrative that underpins the project of restitution in South Africa has two central themes – the trauma of deep, dislocating loss of land in the past and the promise of restorative justice through the return of that land in the future (Walker 2008: 34).

In discussing the historical removal of black people in South Africa, Walker (2005b: 808) says that “the popular account of land dispossession invokes a history of conquest and exploitation that black people have experienced as a unified collectivity, and thus supports a general claim for redress on behalf of all black South Africans.” This is linked to my study, in that I investigate how the master narratives shapes the very memories of dispossession and removal which allows claimants to legitimise their claim to land and hence, position themselves as land claimants located within the broader South African society.

As already noted, in various publications Walker (2008, 2005a, 2005b) has described the master narrative within the restitution programme as a simple story and/or political fable. For instance she suggests that “the master narrative of restitution enshrines a collective memory of dispossession that stretches back uninterrupted for 350 years, over an imaginary, unitary (in essence, a contemporary) South Africa, an apartheid-anticipating country that sprang into

existence when the Dutch East India Company [DEIC] first established its refreshment station at the Cape in 1652” (Walker 2005b: 808, 2008: 38). Limitations in the master narrative of restitution, according to Walker include:

- The narrative is one focused on rural dispossession while ignoring the continued change and development in urban land reform (Walker 2005b: 823)
- The narrative does not take into consideration what happens to the land and claimants in subsequent years (Walker 2005b: 811)
- The narrative does not provide space for the conflicts involved in the restitution process (Walker 2005b: 809)

Taking the abovementioned into consideration, my thesis speaks to Walker’s discussion on the master narrative of restitution. It proposes a master narrative of restitution which not only provides for a simple story, but a narrative which shapes claimants memory. Referring to land/property, Fay and James (2010: 49) say that,

People’s ideas about property originate in a complex dialogue between themselves and the broader legal discourse used within the state. They assert, contest or modify in their interactions with the broader social world.

Thus Bohlin (2007: 119) states, “... the restitution programme is in a number of ways a significant site of production of a ‘new collective memory,’ despite not being explicitly designed as such.” Similarly, Mesthrie (1997: 40) says that “the restitution process which only really took off in 1996-1997 adds a new dimension and memories are now prodded more urgently about removals.” In speaking to land claims and the notion of the collective, Walker (2005: 809) says that “there are urban claims in addition to the rural which invoke similar motifs of community, belonging and loss ...” It is however interesting to note that, in quoting Pierre Nora, Baines (2007: 168) says “... memory is in a permanent state of flux, open to the dialectic of remembering and forgetting, vulnerable to manipulation and appropriation, whereas history is a

representation of the past, a critical discourse which is suspicious of memory.” These views speak to the shaping (that is, construction and reconstruction) of memory within the master narrative of restitution in relation to the past forced removals which resulted from the apartheid segregationist, discriminatory policies which dispossessed millions of black South Africans. In my thesis I aim to illustrate how the master narrative of restitution prods and hence, shapes the memories of the five claimants in relation to dispossession and removal in legitimising their claim.

As stated earlier, master narratives provide the framework through which individual stories gain wider meaning (Eyerman 2004: 162). In his discussion of narratives of distant pasts, Jansen (2002: 79) argues that by embedding references of distant pasts “... in authoritative discourses [of nationalism], people exert control over their version of history and thereby over their own personal narrative.” Eyerman (2004: 160) is of the opinion that “a cultural trauma must be understood, explained and made coherent through public reflection and discourse.” In locating their memories in master narratives “... people can borrow certain experiences of which they have no individual recollection, and incorporate them into their personal narratives” (Jansen 2002: 80).

Fay and James also draw attention to the issue of nostalgia in the construction of memory. As is investigated in the case of claimants in Stellenbosch, restitution in practice, “draws on modernity’s romantic aspect, nostalgia for the lost rootedness of land identity and *gemeinschaft*” (Fay and James 2009: 2 and Fay and James 2010: 41-42). Furthermore, Fay and James (2010: 41-42) state that “restitution might combine modernity’s romantic aspect, lost rootedness of landed identity, with its technicist aspect, as restitution is implemented through state bureaucracies and often tied to aspirations of development.” In this regard, Fay and James (2010: 43) asks the question, “Is the lost land the home of one’s childhood or youth, imbued with nostalgia for a happier, better time?” Ellis (2010: 193) states that “in many land claims the narratives have been about the loss of more than the land. It has been about the nostalgia for the almost mythical idealised and romanticized community that was lost.” As Fay and James (2010: 46) state, “... restitution requires the establishment of new forms of imagined community.” It is

these “imagined communities”³ which recall memories of land on which they lived. It is this collective memory which shapes individual memories of dispossession that the master narrative of restitution calls upon.

How is membership to the collective within the master narrative of restitution attained? Fay and James (2010: 52) state that such stories (i.e. individual memories of dispossession) strengthen the claimants’ resolve as to the “legitimacy of their claims,” and strategically position themselves “in a wider social discourse” – that is, in the master narrative of restitution. Walker (2000: 2-3) is of the opinion that claimants’ memory “... is sometimes very specific, with an immediacy that is startling among all the stock phrases with which most claimants present their stories for official recognition and validation.” Fay and James (2010: 52) further state that “in the context of restitution, a successful claim requires being able to tell compelling stories of loss that enlist the sympathy of powerful outsiders.” Through telling these stories, claimants then become part of the wider category of “victims of dispossession,” an “imagined community” of claimants. “Such stories position claimants as particular kinds of persons or groups of people, able to fit into the categories of eligibility of a particular restitution policy” (Fay and James 2006). The imagined community that functions and is guided by the master narrative of restitution concurrently identify themselves with the “nationally recognised category of victims of forced removals” (Bohlin 2007: 122). According to Walker (2008: 48), claimants are further united in this imagined community of land claimants through “stock phrases,” such as, “we were forcibly removed”, “before we were removed, we lived in happiness and peace”, “we received peanuts for compensation”, all phrases commonly utilised by claimants to describe their experiences in the hopes that this is “what will work with officialdom.” In this regard, Walker (2008: 37) notes how:

For the many thousands of victims who are still alive today, the master narrative continues to resonate in ways that demand our attention and our respect. It

³ Coined by Anderson, B. 1936. *Imagined Communities*. New York. Verso.

organises and controls countless individual stories. Memories of place, of what was lost, the identities that percolate through those memories, the struggle to hold on to the land – these themes are constantly manifested in the claim forms, letters and supplications stacked in their thousands in those drab brown folders in Commission offices.

According to Fay and James (2006: 8) “the restitution claimants looked back to a particular configuration of the past. Even though this may be cast as an imagined (or, more accurately perhaps, a re-imagined) past.” Furthermore, Fay and James (2010: 41) state that “land restitution promises the redress of such a loss [the loss of forced removals] – and in so doing it brings the past into the present.”

In Gibson’s study on the “truth hypothesis” related to the Truth and Reconciliation Process, the aim was to “... address one of the most important issues in the comparative study of mass behaviour and public opinion: can citizens who have been abused by authoritarian regimes be convinced to put the past behind and reconcile with those who formerly oppressed them?” (Gibson 2004: 202). I am turning to Gibson’s study because he investigates a “truth hypothesis” to an accepted collective memory of the South African past. Gibson’s research is most applicable to my study as it investigates the phenomenon which is collective memory within the South African context (however, within the context of the TRC [Truth and Reconciliation Commission]). In the same way as the Commission engages living memory (Walker 2000: 2) and the production of it, so the “... legalistic interpretation of truth, testimony, and witnessing and judicial interpretations of amnesty inform the legislated mandate of the Commission (TRC) and therefore the ways that testimony and its understandings of memory and trauma are produced” (Grunebaum & Henri 2003: 2). As the land claims process provides claimants with the space to speak of their dispossession (using stock phrases or not), the “... TRC was intended to provide a space within which people were able to speak and to tell their stories of abuse and violation” (Henri 2003: 2). In the same way as I argue the shaping of memory through the master narrative of restitution, Grunebaum (2001: 1) states that “... the TRC is but one institutional

cornerstone shaping the contours of what is deemed to be the past and of a public and normative version of this recent past.”

In speaking to the limitations of the official process in dealing with the symbolic dimension within restitution, Walker *et. al.* (2010: 4) state that,

South Africa’s Truth and Reconciliation Commission (TRC) has received considerable attention internationally, but the land claims programme has had a much lower profile as a programme of reparations for human rights abuses and for dealing with the non-material dimensions of land dispossession.

In this regard, Ruth Hall, in this collection, highlights the disconnect between restitution and wider processes of reparation – according to her this can be seen in the decision to separate the process of land restitution from the work of the TRC (Hall 2010: 33).

In his study “Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process,” Gibson (2001) provides quantifiable findings to, firstly, offer “... both a conceptualisation and operationalisation of what it means for individual citizens to be “reconciled;” secondly, and more importantly for the purpose of this thesis (ii) “test the hypothesis that those accepting the collective memory produced by the truth and reconciliation process are more likely to be reconciled” (Gibson 2001: 1). Lastly, he “examines the role of race in this process, since no account of reconciliation in South Africa can ignore the omnipresent influence of the legacy of apartheid” (Gibson 2001: 1, 2). To reiterate, Gibson’s study is applicable to this thesis because he investigates whether or not a collective memory of a South African past exists. His study focuses on apartheid and its pillars.⁴ In addition, his study also relates to the post-apartheid attempts at addressing this injustice in land dispossession.

⁴ His sample included individuals from the four major racial categories established under apartheid, that is, coloured; black; white; Asian/Indian. Because of the broad nature of the investigation, Gibson’s study not only relates to the Group Areas Act of 1950 but also investigates a collective memory which is located in the apartheid past.

Although Gibson's study does make specific reference to collective memory in relation to the TRC, he does however, provide indicators which could also encapsulate restitution. Gibson (2001: 13) states that,

A collective memory is a widely accepted understanding of the meaning of the past. Understanding a country's collective memory therefore requires a focus directly on memories of past events that are shared to a greater or lesser extent by the individuals who constitute a representative sample of a larger population.

It is assumed that there can be no "one national collective memory" which is held by all people within South Africa. There could however, be a national memory which is fragmented and/or adapted at a local level. But it is these fragmented and/or adapted memories at a local level which take shape and acquires legitimacy in relation to the national memory.

Gibson illustrates an important point on how an individual understands and remembers historical events – he makes the point that it is dependent upon how the specific individual has experienced history. "Especially with an all-pervasive system like apartheid – a system in which virtually no aspect of political, social, or economic life was unaffected – the relationship one had with history surely influences perceptions and understandings of historical truth" (Gibson 2001: 15). Thus those who benefitted from apartheid undoubtedly differ in their understanding of historical truth from those who were apartheid's victims.

In his findings, Gibson (2001: 39) reports that black South Africans are more likely to accept certain statements about apartheid, whereas whites are less likely. In his study he tested responses to five statements: (1) apartheid was a crime against humanity; (2) there were certainly some abuses under the old apartheid system, but the ideas behind apartheid were basically good ones; (3) the struggle to preserve apartheid was just; (4) both those struggling for and those struggling against the old apartheid system did unforgivable things to people; (5) the abuses under apartheid were largely committed by a few evil individuals, not by the state institutions themselves. He developed an index of "truth acceptance." According to Gibson (2001: 39),

“black South Africans are more likely to accept the veracity of these statements, whites are least likely.” Hence, black South Africans are more like to accept the first statement that, “apartheid was a crime against humanity.” He believes that those who benefited from apartheid are expected to be less likely to judge apartheid harshly. The purpose for including the Gibson study in my thesis is that it speaks to a collective memory of South Africa’s past. Within the restitution process, it is this collective memory of the past which is shaped by the master narrative of restitution – and hence, shapes what is recollected at an individual level.

The index measured responses to statements which varied from 0 (indicating „rejecting all statements’) to 5 (indicating ‘accepting the veracity of the statements’) (Gibson 2001: 39). Although the differences were not huge, with means ranging from 2.8 for whites to 3.2 for blacks, Gibson’s study nonetheless revealed that, generally speaking, black South Africans were more likely to accept a “collective truth” that apartheid was a “crime against humanity” (Gibson 2001: 140). Across the four major race groups, over half of the participants agreed with this statement. Synonymous to accepting this past, black South Africans (in other words, victims of apartheid) are guided by this collective memory of inequality, discrimination, etc. They share a belief in the master narrative (that is, national story) of South Africa’s past.⁵

According to Fay and James (2010: 43) “restitution claims acquire a moral weight from the experience of being wronged and the gravity of things lost. They are based on both grievance and a shared memory of that grievance.” This acceptance of a collective memory of South Africa’s past can be extended to include victims of dispossession.

2.3. The making of place

⁵ Gibson’s study included 3 727 face-to-face interviews and according to Gibson (2004: 204), “the sample is representative of the entire South African population (18 years old and older).” The average interview lasted 84 minutes (Gibson 2004: 204).

In this section I discuss the theoretical making of place which links to my discussion on the ways in which the five selected claimants remember the place from which they were removed. In other words, I will provide the theoretical framework to discuss how the claimants construct and reconstruct the places from which they were dispossessed – the making of place.

Gieryn (2000: 466) states that the three defining features of place are: (1) location, (2) built-form (that is, material form) and (3) meaningfulness – which should remain bundled. In his view, these three features are interlinked and interdependent. Place mediates social life – “... all social phenomena are emplaced” (Gieryn 2000: 467). Place is thus created through a people-environment interaction process in which people ascribe meaning, interpretation and locate memory in the built-form, materials and objects of which the place is comprised. In support of this, Memmott and Long (2002: 39) state that “... place is made and takes on meaning through an interaction process involving mutual accommodation between people and the environment”. Fay and James (2010: 49) refer to it as the “persons-things-relations nexus.” According to Fay and James (2010: 49) “... restitution juxtaposes the most concrete of objects – land – with abstractions about the past social relationships which it nurtured, making vague promises to restore these in the future.”

Baldwin *et. al.* (2004: 141) says that place encompasses our understandings of the world which are tied closely to the ways in which we construct and contest meanings of particular, often named, places. Place “was to be understood in terms of meaning”, in that “place ... has more substance ... it is a unique entity, a special ensemble; it has a history and meaning. Place incarnates the experience and aspirations of a people ... it is ... a reality to be clarified and understood from the perspectives of the people who have given them meaning” (Baldwin *et. al.* 2004: 141). In this way, the five claimants selected to participate in my thesis could construct and reconstruct the place from which they were removed and in this way the area of *Die Vlakte* is understood from the perspectives of the claimants who gave the place meaning.

With specific reference to the making of place, Gieryn (2000: 468) says that the making of places includes facets of “identifying, designating, designing, using, interpreting, and remembering ...”

In his discussion on place-makers, Gieryn (2000: 470) states that, “the design of a place may involve planners, architects, policymakers, financial institutions, patrons, regulatory agencies, potential users, developers, engineers, and variously interested audiences.” These place-makers “... mediate the relationship between the political, economic or mobilised powers and the built-places that they desire” (Gieryn 2000: 470). Therefore, the finished places that we see, inhabit, visit and suffer (in terms of, experience) are the consequence of decisions made by place-makers.

According to Gieryn (2000: 463), “... place persists as a constituent element of social life and historical change.” He is of the opinion that there are limited studies within the discipline of sociology of the concept “place” – or as he puts it, a “place-sensitive sociology” (Gieryn 2000: 463-464). However, before moving onto a discussion of a sociology of place, it is important to discuss briefly various understandings of place.

First, there is the geographic location of place. In speaking of place in the geographical sense, Gieryn (2000: 464) says that “place is the distinction between here and there, and it is what allows people to appreciate near and far.” Second, there is place as a material form. In this, place has physicality: a “... compilation of things or objects at some particular spot in the universe” (Gieryn 2000: 465). Gieryn highlights that places are “worked by people: we make places and probably invest as much effort in making the supposedly pristine places of Nature as we do in cities or buildings.” Lastly, there is place as “investment with meaning value” (Gieryn 2000: 465). That is to say that without a name, some form of identification or representation by ordinary people, “... a place is not a place” Gieryn (2000: 465). Memmot and Long (2002: 40) state that a place can be created by the association of knowledge properties, such as past events, legends, or memories. As described by Gieryn (2000: 465) place is also “... interpreted, narrated, perceived, felt, understood, and imagined.”

This study focuses on place as worked by people; and place as investment with meaning value. In this way my study investigates the meaning claimants attach to the place from which they were removed – and how this meaning, in the form of memory, is shaped by the master narrative of restitution. In discussing the difference between space and place, Gieryn (2000: 465) says that

space "... is more properly conceived as abstract geometries (distance, direction, size, shape, and volume) which is detached from material form (that is, built-form) and cultural interpretation."

My thesis therefore argues that place is not simply territorial, boundary demarcating space but place which involves meaning. Dougal and Rotello (1999: 277) say that, it is important to investigate the role of context in memory. As Gieryn said (2000: 464), "some definition of place is needed if only to restrict the domain of work ...". Highlighting the importance of place in sociology, Gieryn (2000: 466) eloquently says that, "Nothing of interest to sociologists is nowhere. Everything that we study is emplaced; it happens somewhere and involves material stuff" He goes on to say that "... place is not merely a setting or backdrop, but an organic player in the game – a force with the detectable and independent effects on social life" (Gieryn 2000: 466). In discussing place with specific reference to the sense of place, Gieryn (2004: 472) states that a,

Sense of place is not only the ability to locate things on a cognitive map, but also the attribution of meaning to a built-form [that is, material form] or natural spot.

Similarly, in their discussion of the philosophical meaning of place and a sense of place, Baldwin *et. al.* (2004: 140-141) state that early humanistic geographers tried to think "through people's relationships to the world by using philosophies that concentrated on how people know, understand and respond to their environments." Gieryn (2000: 472) argues that places are made as people ascribe meaning and qualities to the material and social stuff gathered, for example: "... our and theirs; safe and dangerous; public or private; unfamiliar or known; rich or poor; black or white; ... accessible or not." The last few examples resonate particularly for this study as they speak to the notion of the making of place for the purpose of racial segregation. Similarly, Gieryn (2000: 472) says that the "rankings of city neighbourhoods in terms of perceived desirability and quality of life are key variables in place stratification models used to explain patterns of residential dispersion of racial and ethnic groups in metropolitan areas." This form of place-making was evident in the proclamation and implementation of the Group Areas Act of 1950, through which the advantaged groups (white ethnic grouping) sought to distance themselves from

the less advantaged (black ethnic grouping) – therefore, “the very idea of neighbourhood is not inherent in any arrangement of streets and houses, but is rather an ongoing practical and discursive production/imagining of people” (Gieryn 2000: 472).

Memmot and Long (2002: 40) say that humans have a special role in defining place. Bonds between individuals (or social groups) and places constitute part of the personal identity of those individuals (or the identity of the social group) (Memmot & Long 2002: 40). Thus, people can be seen to be dependent upon the concept of place for their self-identity (and social identity) (Memmot & Long 2002: 40). According to Gieryn (2000: 473), the “meanings that individuals and groups assign to places are more or less embedded in historically contingent and shared cultural understandings of the terrain – sustained by diverse imageries through which we see and remember cities.” At the same time, the meanings individuals ascribe to certain places are in no way static, but subject to change. It could therefore be said that in ascribing meaning to a particular place, there exists a person-place connection.

Place-makers make place(s), and it is these places which form the framework which directs the interaction of social actors within the respective place. In the words of Gieryn (2000: 473) “... place stabilizes and gives durability to social structural categories, differences and hierarchies; arranges patterns of face-to-face interaction that constitute network formation and collective action; embodies and secures otherwise intangible cultural norms, identities, memories ...” This making of place by place-makers explains how place can be made within a segregationist framework, such as in South Africa, where historically and still today place functions in the manner described by Gieryn to maintain hierarchical racial groupings and a racialised geography.

This making of place plays itself out again when people are moved to new places. In my study, claimants were removed from well-established areas in urban Stellenbosch to the outskirts of the town. As will be shown in Chapter 4 of my thesis, claimants had to start from scratch in rebuilding and in remaking the place to which they were relocated. Not only were these families required to build new houses and create homes; they had to find their sense of belonging within a new context; build relationships with new neighbours and hence, rebuild a new community. The

master narrative of restitution prioritises the lost place (from which claimants were unjustly removed) over the new place.

2.4. On “collective memory”

... it is in society that people normally acquire their memories ... what we call the collective framework of memory would then be only the result, or sum, or combination of individual recollections of many members of the same society.

(Coser *et. al.* 1992: 38, 39)

This section looks at theories of collective memory in sociology, followed by a discussion on collective memory in the context of South Africa. According to Eyerman “sociologists do not often think about memory...,” “... except perhaps disparagingly as nostalgia” (1999: 160, 161). In the sphere of land restitution Bohlin and Dhupelia-Mesthrie believe that both academically, and non-academically, not enough attention is given to memory within the restitution process. In the words of Dhupelia-Mesthrie (2006) “little academic work has paid attention to the memories generated by claimants involved in the restitution process.”

In the literature on individual and collective memory, the name of Maurice Halbwachs (1877-1945) is often associated with the sociological study of collective memory. It is Halbwachs to whom we owe the earliest sociological study of memory (Vromen 1993: 510). Halbwachs was a student of the father of functionalism, Emile Durkheim, and championed the notion that individual memory operates within the context of the collective, societal framework of memory. The thrust of Halbwachs’ argument is a theory of the individual in relation to society. It is this relationship between the individual memory and society which formed his central programme (Vromen 1993: 511) and thus the social study of memory in a programme of collective memory (Mucchielli 1999: 1). Halbwachs (1938: 616) stated that “the consciousness of an individual is not self-sufficient; the ideas of associated men must be related to each other and be considered as parts of a whole which completely penetrates, directs and organizes them.” In order to remember

certain events, they need to be tied to and associated with a collective framework. It is this framework which allows memories to be coordinated in time and space (Vromen 1993: 511). “It is this collective memory which lies at the point where the individual meets collective and the psyche meets the social” (Lavabre 1994: 1). Individual social actors thus only experience and remember in relation to and within specific social frameworks. In explaining the social nature of memory, Halbwachs (1938: 620) stated that when we (as social agents) consider ideas, these ideas are not only present to us and located in our own minds, but are in the minds of other social actors as well. Therefore we are never alone in considering ideas, “but look at them from the viewpoint of others who surround us and on whom, in some sense, we depend” (Halbwachs 1938: 620).

The individual is not an autonomous social agent, but the product of social relationships. Memory not only allows for the interaction of social actors in its reconstruction, “it orders the very experience and ensures the continuity of the collective” (Vromen 1993: 511) – “to remember, one needs others; to remember is to understand a relation.” Similarly Tosh (1994: 130-131) states that memory becomes a “social fact” wherever it is a shared representation of the past – and at once it becomes an “indispensable constituent of the social itself”. This relates to Durkheim’s second definition of a social fact, which he believes is “... every way of acting which is general throughout a given society, while at the same time existing in its own right independent of its individual manifestations” (Pather 2009: 1). As Lavabre (1994: 1) states, “memory is the shared representations of the past, which are effects of the present identities that they feed in part in return.” Similarly, Eyerman (1999: 161) argues that “memory provides individuals and collectives with a cognitive map, helping orient who they are, why they are here and where they are going.” Furthermore, he relates collective memory as emerging as *sui generis* (that is, thing in itself). In his discussion, Halbwachs states that the faculty of language is perhaps the most basic of all of the social frameworks of memory. For the purposes of my thesis I would agree with Halbwachs with regard to the latter statement. Language is central to my thesis in relaying the memories and narratives of the claimants. Language is the medium through which these memories are communicated and given existence.

It should be noted at this stage that Halbwachs asserts that the past and its related memory is not preserved, as a set stable form of knowledge, but that it is the past which is continuously reconstructed in terms of the present in the interaction of social actors within the framework of the social environment (Wood 2006). It is the collective frameworks of memory, according to Halbwachs, which are and provide the instruments that work to reconstruct the image(s) of the past in of the present social conditions. These images of the past are reconstructed in terms of the predominant currents of social thought located in the present. What Halbwachs meant was that "... we conceive of the past only in terms of the present" (Woods 2006). He also states that the individual only remembers by placing him or herself in the perspective of a social collective. Halbwachs thus defined individual memory on the basis of its social dimensions. Mucchielli (1999: 1) quotes Halbwachs as saying:

If we were to examine the way in which we remember, we would recognize that most of our memories come back to us when our family, friends, or other people recall them to us ... it is in society that man acquires his memories, that he recalls them, that he recognizes them, and that he locates them. ... I do not seek out where the memories are, where they are kept, in my brain, or in some corner of my mind to which only I would have access, because they are recalled to me from outside, and because the groups to which I belong continuously offer me the means to reconstruct.

Halbwachs was of the opinion that society puts pressure on the mind to reconstruct events of the past and conjure images of the past in terms of the needs and demands of the present. In so doing, the individual and society bestows a prestige on the past, which it has never before possessed (Wood 2006).

Another theorist who has contributed to an understanding of the presentation of self in everyday life is Erving Goffman. Goffman (1990: 20) stated that "when we allow that the individual projects a definition of the situation when he [or she] appears before others, we must also see that

the others, however passive their role may seem to be, will themselves effectively project a definition of the situation by virtue of their response to the individual and by virtue of any lines of action they initiate to him [or her].” The shaping of memories by the master narrative of restitution which I propose, links to Kaneva’s (2006: 5) statement that,

... collective memories [which] are shaped in each telling by the particular participation framework [in this case, the master narrative of restitution], within which narrators [claimants] are situated.

Thus, “the focus of Goffman’s work is on everyday interactions” (Woodward 2000: 15). In other words, Goffman (1990), in his discussion, infers that if an individual desires to become a member of a particular collective they would need to accept the definition of the situation, the collective experience, the temporal reference point. This is the making of a collective framework which directs individual social agency. Goffman believed this situation to be like “... acting out a part in a play where the scripts are already written” (Woodward 2000: 14). If the individual accepts this definition he or she would have to act and respond in ways which are acceptable to the definition being honoured. Therefore, in attaining acceptance the individual is included in the collective and the collective, with its definition of the situation, orients the functioning of the individual within this space. His or her action will determine inclusion or exclusion.

In his discussion Goffman (1990: 15) states that individuals are not in fact in control of their lives, let alone their decisions. He argues that, “... it is highly important for us to realize that we do not as a matter of fact lead our lives, make our decisions, and reach our goals in everyday life either scientifically or statistically. We live by inference.” Through this process of inference, people are situated and located within their immediate social environment and allowed the opportunity of interaction within the socially accepted situation, which needs to or has been defined by the collective. Therefore, according to Goffman (1990: 15), “... we act on the basis of inferences from other social actors within particular social environment(s). We, as individuals, our thoughts, beliefs, memories and other characteristics of being are reconstructed by the inference of other individual social actors of which the collective is comprised.” As I will discuss

further in Chapter 5, Goffman's existing by inference is analogous to the work of Halbwachs on the collective memory. In Goffman's work, it becomes apparent that social actors, by accepting the definition of the situation, can only socially exist by inference, through "giving-off" the right cues for inclusion. This is linked to my study, in that claimants provide stories of removal and dispossession (cues) in order to position themselves in the new formed "imagined community" of land claimants – and thus, accepting the definition of the situation.

This process of inference can be taken further to the point of a social agent asserting membership of a particular collective. Goffman (1990: 24) argues that through an individual's initial presence to the societal others, he or she represents himself or herself as a person "of a particular kind" – in my study, they would be considered claimants. Implicitly and explicitly the others are provided cues as to the way in which the said individual is to be treated and the way in which the individual expects to be treated. Goffman (1990: 24) states that "the others find, then, that the individual has informed them as to what is and as to what they ought to see as the is." According to Woodward (2000: 15) "Goffman's approach suggests that there are links between the society in which we live and the limitations offered by the roles or parts we play in that society, because the scripts have, in a sense, already been written." In this sense, my thesis refers to stock phrases or stories/narratives of dispossession and/or removals. However, Walker (2000: 3) states that "yet more often it is a very limited stock of phrases, drawn from a collectivised memory that is presented. The phrases, scripted elsewhere, have become part of the standard repertoire of those reporting their dispossession." Individuals, as social agents are in a continuous process of interaction with other social actors in attempting to attain membership into a particular collective. This relates to Halbwachs' argument that the individual can only function as part of a collective.

For Halbwachs and Goffman a social agent cannot exist socially without the collective. What is thought of, what is remembered, is dependent upon the collective memory specific to a respective collective, and thus, as a social agent, one can only gain social existence from the collective. In addition, the way we remember, that is, the construction of memory, is dependent on the collective memory (from which individual memory gains wider meaning). The portrayal

of a social agent in everyday life depends on retelling stories/memories which are accepted within the definition of the situation (in the case of my claimants, the master narrative of restitution), in order to avoid being excluded from the collective.

2.5. Memories of the past: Limits of South African land restitution

... land remains a particularly vexing and contested form of property.

It is both material *and* symbolic, a factor of production and a site of belonging and identity.

(Fay and James 2010: 42)

Bohlin (2007: 118) says that the role which memory played in the restitution programme is mostly instrumental. Unlike the TRC, the Commission on the Restitution of Land Rights (CRLR) is not directed by institutional structures to generate and capture memories of dispossession – the CRLR only collected information from victims to facilitate the processing of applications⁶ for restitution (Bohlin 2007: 118).

Rassool (2010: 26) states that “... there has been an astounding lack of theorisation of the production of lives and the place of narrative ...” In referring to the land restitution programme in South Africa, Bohlin (2004: 672) states that few studies have focussed on the symbolic implications of the land restitution programme. Despite the fact that it is “one of the most symbolically charged policy programmes ...” With reference to her study of claimants in the region of Kalk Bay, Western Cape, she describes how an examination of this claim “shows that the various stages of a land claim process involve the production and reshaping of representations of the past at a number of levels” (2007: 115). She goes further to argue that these “new” memories in the restitution programme have “escaped” the constraints of institutionalised attempts at shaping history, healing wounds, and leaving the past to rest, in ways such as the TRC. Like the TRC, the CRLR, according to Bohlin (2007: 118) “... were given the

⁶ At the time of my study, as was the case when Ana Bohlin (2007) published her findings, “the land claims documents are not accessible to the public” (2007: 119).

task of addressing instances of past suffering and injustice as they are carried in living memory by those who were personally affected.” Bohlin (2007: 120) does elaborate on the production of memory, formally and informally accompanying a claim, when she says,

There is a range of both formal and informal activities of memory production that accompany a claim. In order to fill in the land claim form, the claimant, whether a representative of a community or a single individual, needed to provide information that proves the loss of rights to land. Besides official documents such as copies of title deeds, will or marriage certificates, the CRLR also encouraged the submission of evidence of a more informal kind ... Rather than merely a straightforward bureaucratic exercise, lodging a claim thus involves a range of different forms of memory work – a labour of actively and consciously giving order and meaning to the past.

In reference to the Kalk Bay claimants, and what could be generalised to a greater South African claimant community (“imagined community”) Bohlin (2007: 120) states that once claimants decide to participate in the restitution process, they begin the operation of translating their own, private memories into official narratives. These private narratives function and are guided within the greater master narrative of restitution. Bohlin (2007: 128) says that “... seen from a wider perspective of collective memory making in South Africa, land restitution certainly has an important role to play.”

Chapter 3: Dispossession and Land Restitution

3.1. Introduction

The focus of my thesis is the social individual that recollects and remembers as part of a particular collective, located within a specific narrative. In my thesis the collective is the community of coloured people living in the small town of Stellenbosch in the Western Cape who were unjustly removed from their homes and relocated to the outskirts of the town under the Group Areas Act of 1950. They have a particular history of slavery and a subsequent relationship of paternalism which governed much of the day-to-day social interactions with white people before the Act. The concept of paternalism derives from family relationships, *pater* meaning father in Latin. This is the social, familial relationship which characterised Stellenbosch town. In the post-1994 era, those removed could lodge a claim to have their land restored. Through this process, I am arguing, those who lodged land claims (that is, claimants) located themselves within a “master narrative” of restitution that drew on their memories of community and place in the very particular environment of urban Stellenbosch from which they were removed.

This chapter provides the reader with a background discussion of the history of Stellenbosch, apartheid and the Group Areas Act of 1950 in South Africa; the impact of the Act on *Die Vlakte* in urban Stellenbosch, and a brief overview of land restitution within South Africa, the Western Cape, and urban Stellenbosch.

3.2. Establishment of Stellenbosch Town

Historically, the town of Stellenbosch, also known as the “*vallei*” (valley), took root on both sides of the river which became known as the *Eersterivier* (First River) (Giliomee 2007: 1). Giliomee states that the very first inhabitants of the valley were the San. These people were hunter-gatherers. Later additions to the inhabitants of the valley were those of the Khoi – Khoi, who were called the *Hottentotte* (Hottentots) by the first white settlers. They were pastoralists, although hunting was also a prominent aspect of their everyday lives (Giliomee 2007: 1).

As a country, South Africa's "... serious connections with Europe started when the Cape was first used as an outstation for European travellers heading to the Indies" (Yanou 2005: 4). The Dutch DEIC "sent out a party of three ships under the command of Jan van Riebeeck to set up a refreshing station at the Cape to provide fresh food and water" to the DEIC (also known as, the VOC⁷) ships (Schietecatte & Hart 2009: 5). "On the 6 April 1652 Jan van Riebeeck landed at the Cape of Good Hope ..." (Schietecatte & Hart 2009: 5). However, he physically went ashore on the 7 April 1652 to consider more or less where the fort should be built. The history of the town itself dates to the arrival of Commander Simon van der Stel⁸ of the DEIC on 12 October 1679 (Smuts *et al.* 1979: 51). Van der Stel is described as an energetic Commander, who aimed to make the Cape Colony self-sufficient. According to Smuts *et. al.* (1979: 52) before the name Stellenbosch was assigned to the area, it was already known as "Wilderbosch"; by 1679 it had a population of 480, divided by the authorities of the DEIC as follows: 87 (male) citizens (*vryburgers*), 55 women (*vroue*), 117 children (*kinders*), 30 servants (*knegte*) and 191 slaves (*slawe*).

Giliomee (2007: 2), says that the High Commissioner, Hendrik van Reede tot Drakenstein, in conversation with Van der Stel urged the establishment of a little town. Taking this into consideration, on the 3 November 1679, Van der Stel, rode into the area with an escort of soldiers and a few servants (Hendrich 2006: 2) and for the first time saw this valley with its clear water and high trees, and spent the night on a small island. According to Hendrich (2006: 2) the reason for this journey was the desire of the DEIC for an increase in farming products for the Dutch ships which docked at the Cape. Van der Stel then named this area Stellenbosch and provided farms to free *burgers* in the valley on both sides of the river (Giliomee 2007: 2). The town of Stellenbosch was formally proclaimed in 1685, after the official approval by the Commissioner-General, in his instructions in "*die wettige grondbrief van die dorp Stellenbosch*"⁹ (Thom *et. al.* 1966: 2).

⁷ *Vereenigde Oostindische Compagnie* (Schietecatte & Hart 2009: 5).

⁸ Van der Stel only became Governor in 1691, for his services in the establishment of the Cape of Good Hope.

⁹ "The legitimate constitution of Stellenbosch town."

Giliomee (2007: 3) states that “from the beginning the population of Stellenbosch comprised of *burgers*, slaves and individual free blacks.” His account of slavery in Stellenbosch indicates the institution had an all encompassing hold on the little town. In line with this, Fransch (2009: 96) says that “... Stellenbosch was the chief slave-owning district in the district.” The slaves came from far and wide, including Africa (from Angola, Dahomey, Mozambique – the so-called Mosambiekens – Madagascar and other islands along the east coast of Africa) (Giliomee 2007: 15) and the east (Batavia, Ceylon, Macassar and Bali, as well as from the west coast of India (Fransch 2009: 5)). It could therefore be said that Stellenbosch was an “immigrant town” in the sense that its “birth mothers” and “birth fathers” were of African, European and Asian descent (Giliomee 2007: 15 and Hendrich 2006: 1). Stellenbosch therefore began as a community of people with “... divergent cultural and social backgrounds...” (Fransch 2009: 96). Hendrich (2006: 1) further says that it was this integration of ethnic groupings from the outside which brought forth a unique set of human relationships.

It took more than two centuries from the establishment of Stellenbosch for slaves to finally be given their freedom, under the dispensation of Great Britain who took over the colony of the Cape from the DEIC in 1795. Ordinance 50 made settlers and slaves equal before the law, while emancipation “freed” the slaves from bondage to their masters. In this regard, slavery began to play an even greater instrumental role in the economic and infrastructural development of the town of Stellenbosch. Fransch (2009: 97, 101) states that “what is of great importance is that at the end of slavery, the town of Stellenbosch saw an influx of ex-slaves¹⁰ who rejected farm life.” Furthermore, many took on more domesticated employment such as domestic workers/helpers and shop owners, even though the district was fairly agrarian. The manumission of slaves thus led to an increase in the population of Stellenbosch.

¹⁰ Referred to as “paupers” (Fransch 2009: 101).

Thus, after 1838, slaves in Stellenbosch were freed and formed part of the free coloured community. By the 1850s, 20 percent of the rural “underclass” were living on mission stations,¹¹ and in Stellenbosch specifically, this pattern of land ownership continued after emancipation (Fransch 2009: 97). Fransch does not, however, provide the specific location of these mission stations and specific areas to which “land ownership” applies. In quoting Wayne Dooling, Fransch (2009: 98) “... stresses the point that because of the differentials in wealth and status within the settler society of the Stellenbosch district, conflict and cooperation, neighbourliness and paternalism characterised social relationships within the settler community.” An example of a paternalistic relationship is one in which social agents impose their perception of social roles on other social agents, with the latter accepting and hence, internalising this social role. What we see here is the emergence of a tightly integrated town in terms of geographic and social space, in which there was a hierarchy – stratification – in which skin colour was tied to status, yet the boundaries were more porous.

3.3. *Die Vlakte*: “Town within a town”

With manumission of slavery in 1838, the population of urbanised coloured people increased; as a consequence, a coloured neighbourhood, *Die Vlakte* (the Flats), had developed within the town of Stellenbosch by 1850. Giliomee (2007: 57) also notes that during the 1840s and early 1850s, coloured people started building houses in the area known as *Die Vlakte*. As these ex-slaves moved into town, coloured areas began to emerge (Fransch 2009: 104-105). In 1865, Stellenbosch town and its immediate environs had a population of 3 978 with 1 223 whites, 2 686 “mixed” or coloured and 69 Africans (Scully 1990: 9). From this it can be seen that by 1865 the coloured population of the district of Stellenbosch was the predominant racial grouping. Thus, Stellenbosch was a town which comprised of various racial groupings. But what was the relationship like between white and coloured residents?

¹¹ The mission stations provided freed slaves access to land (Fransch 2009: 97). Furthermore, he states that these mission stations were established towards the end of slavery “in order for manumitted slaves to gain access to land, providing them a place to live and subsist” (Fransch 2009: 97).

Hendrich (2006: abstract) paints a picture of Stellenbosch town as a harmonious place. According to Fransch (2009: 1), "... white and coloured [brown] people in Stellenbosch lived together, initially in the same houses, on the same plots and eventually side by side after the manumissions of the slaves in 1838." In the 1920s, according to Hendrich (2006: 9) "particularly in the town centre of Stellenbosch, white and coloured residents lived side by side in undisturbed harmony and ... in the social life a healthy mutual relationship prevailed." The mixture of different ethnicities and cultures had become intertwined to develop the unique heterogeneous town character (Hendrich 2006:9). He claims a strong communal spirit characterised the community. Biscombe (2006: 16) argues that "... *alhoewel Die Vlakte meestal bewoon was deur Kleurlinge ... almal het mekaar geken en lekker saamgewoon.*"¹²

Other commentators have painted a similarly rosy picture. Despite the fact that the schools, churches and municipal facilities were segregated, many claimed that Stellenbosch town belonged to everyone (Giliomee 2007: 113) – "*ons was een groot, wonderlike familie*"¹³ (Biscombe 2006: 22). Hendrich (2006: 31) highlights the importance of everyday social activity in human relationships, which played a role in people's lives. The festive life (in terms of social activities bringing people together) of Stellenbosch town brought the community, from different racial backgrounds, together. In line with this Boonzaier *et. al.* (1995: 4) says that "... *oral in die dorp het die witmense en die bruinmense tussen en langs mekaar gewoon.*"¹⁴ There were no separate residential areas, everyone was a "Stellenbosser,"¹⁵ white and coloured (Giliomee 2007: 113). Hendrich (2006: 32) says that, "*een van die minder bekende aspekte van die geskiedenis van blank en bruin sosiale verhoudinge was die impak van opwindende, vreugdevolle of bloot buitengewone geleenthede wat die inwoners van Stellenbosch gefassineer het.*"¹⁶ Social activities such as baptism celebrations, Christmas and funerals brought the community of the town together – these were referred to as festive events, according to Hendrich (2006: 32).

¹² "Although *Die Vlakte* was predominantly inhabited by coloureds ... everyone knew each other and lived well together".

¹³ "We were one big, wonderful family".

¹⁴ "All over town, the white people and coloured people lived alongside each other."

¹⁵ "Stellenboscher".

¹⁶ "One of the minimal aspects of the history of the white and coloured social relationships was the impact of exciting happily filled or just plain social experiences which fascinated the residents of Stellenbosch".

In the earliest years of Stellenbosch, *Die Vlakte* “... referred to the stone flats north of Plein Street between van Ryneveld Street and Andringa Street, also known as the first street cross” (*eerste straatkruising*) (Smutts *et. al.* 1979: 63)). According to Biscombe (2006: 9), Andringa Street was actually the main street in *Die Vlakte*, because everyone made their way through this street to town. Over the years, this area developed and grew and could be regarded as “the heart” of Stellenbosch – certainly, the “heart”¹⁷ and soul of the coloured residents” (Hoskyn 1979: 37).

The area which formed the “heart” of Stellenbosch town and which made up the area of *Die Vlakte* are the blocks today demarcated by Pleinstraat¹⁸, Kerkstraat¹⁹, van Ryneveldstraat²⁰, Andringastraat²¹, Merrimanlaan (earlier known as, Berglaan – Berg Lane and even earlier as, *De Waterkant*), Birdstraat, Borchersstraat, Banghoekweg (later, Banhoekweg) and Dorpstraat. Some coloured people resided in the town centre, in *Die Vlakte*, while other lived in the areas of Idas Valley and Cloetesville (Hendrich, 2006:24). Hendrich (2006: 24) provides a much more detailed picture as to the areas inhabited by predominantly coloured people within Stellenbosch town. These areas were however, located outside the boundaries of *Die Vlakte*. He says that these areas included: “Kasarm”, “Rookskip” and “Sewe Pyp” residential areas located at the bottom end of Dorp Street. Other areas included: Hertestraat, Van der Rietplein, Meulstraat, Van Colersteeg, “Die Jubilee” and Bird Street²², as well as the “Sarannies” and “Jubilee,” the Malay quarters²³ on the eastern side of Bird Street (Hendrich 2006: 24 and Giliomee 2007: 109). Coloured families also inhabited what was known as Kreefgat – an area located on the east side

¹⁷ The Braak was similarly thought of as the “heart” of Stellenbosch town by Hoskyn (1979: 37). Hoskyn (1979: 37) and Hendrich (2006: 38) state that the name “Braak” is derived from a Dutch word signifying “fallow ground or an open space not to be built over”. Giliomee (2007: 110) argues that coloured families lived in the area around the Braak, near to the present-day Landdros building. This piece of land had different names, which included: “Koninginplein” [“Queens Plane”], the “Victoria Square” and “Adderley Square”.

¹⁸ “Die Plein Straat om dat derselve af it voornaamste plein uitkwaam” (US I.M.S. no. , February 1956, p. 3.).

¹⁹ Die Kerk’s Straat om dat derselver over de kerk is gesitueerd” (US I.M.S. no. , February 1956, p. 3.).

²⁰ “De Ryneveld’s Straat naar de tegenswoordige Landdrost, en zynedele Grootvader, die alsmeede die function alhier hadde bekleed” (US I.M.S. no. , February 1956, p. 3.).

²¹ “De Andringa’s Straat naar Landdrost van dien naam” (US I.M.S. no. , February 1956, p. 3.).

²² Earlier known as “de Gemeene Wagenweg”, then “Adderley street and then, Bird street.

²³ This term is however, rejected by many (Fransch 2009: 5). According to Fransch (2009: 5), “historically speaking, the term is fallacious because the early Muslims did not entirely originate from the Malay Peninsula as many came from India and the islands of the Indonesian archipelago, as well as from Africa”.

of Strand road. They also resided in the vicinity of Herte and Dorp Street (Boonzaier *et. al*, 1995: 3-4).

The map below shows the area of *Die Vlake* as drawn by Fuad Biscombe. According to Hilton Biscombe (October 2010), the map included in the book, *Nog Altyd Hier Gewees* was captured from the memory of Fuad Biscombe. The map depicts the important buildings which existed in *Die Vlake*. According to Biscombe (October 2010), the fact that it was sketched from memory attests to its “historical significance.” In this regard it should be noted that the boundaries of *Die Vlake* extended beyond the boundaries indicated in the map below, and that the given location of Du Toitstasie and Papagaaiberg are not geographically accurate.

The black arrows indicate the streets in which the claimant families, who participated in my research, lived. The black star indicates Toefies Cash Store, which belonged to the Toefy family presented as a case study in chapter 4 of my thesis.

Please refer to the appendices for a detailed map of *Die Vlake*.

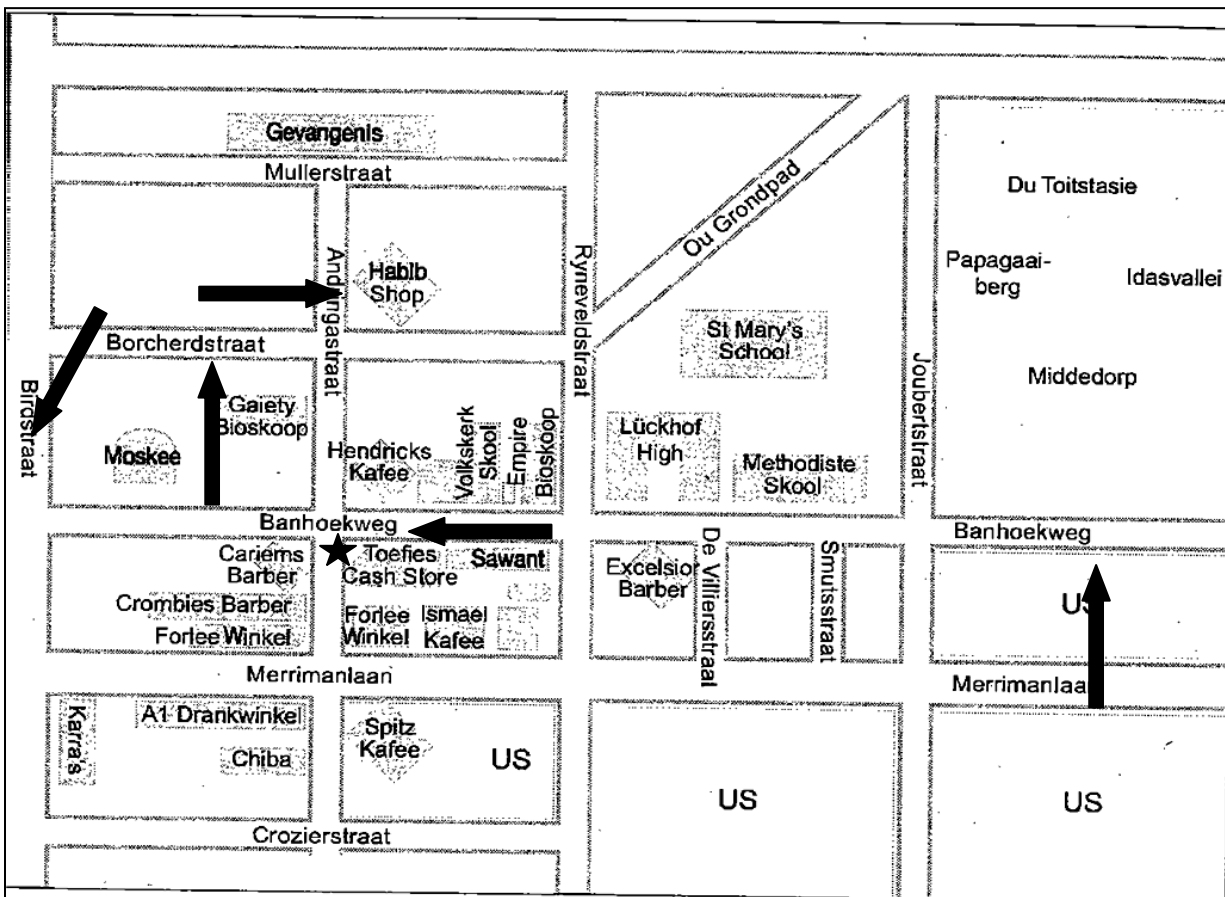


Figure 1: Fuad Biscombe's map of *Die Vlakte*²⁴ (Source: Giliomee 2007)

Although *Die Vlakte* can be considered the historic heart of the coloured community, quoting a respondent, Giliomee (2007: 109) states there was not one street in the town where coloureds did not live between white people. According to Giliomee (2007: 104), the land on which the Faculty of Arts and Social Sciences of the University of Stellenbosch presently stands was the house of a well-known builder, Boetie Kannemeyer. Opposite the Arts Faculty where present-day BP fuelling station is situated, there used to be a cow farm (Biscombe 2006: 4). In Borchards Street, parallel to Banghoek Road, white and coloured people lived side-by-side (Giliomee 2007: 107). Coloured families such as the Alexanders and Pooles owned land and property in Andringa

²⁴ The location of *Du Toitstasie* [Du Toit railway station] and Papagaai-berg is displayed as per the original map, which was drawn from memory. In reality, these landmarks are located on the left of the map as shown here.

Street (Hoskyn 1979: 45). Giliomee (2007: 102) says that “... between present-day Eikestad Mall and the corner of Andringa-and-Crozier Street, there existed a row of houses where whites and a coloured family, the Valentyns, lived.” In addition, Hendrich (2006: 24, 25) states that coloured families had also occupied much of the area to the north of *Die Vlakte* known as Idas Valley, which the municipality later bought and developed. Initially, Idas Valley farm belonged to well-known politician A. B. De Villiers²⁵ (Fransch 2009: 102). As many sources of information have stated, there were few areas in Stellenbosch in which coloured people did not live – they were an integral part of the community of Stellenbosch town.

The builders, contractors and furniture makers of Stellenbosch were from the coloured community, in addition to the hairdressers, tailors, teachers, and the owners and managers of shops and cafés (Giliomee 2007: 113). With regard to the cultural activity of this community, Hoskyn (1979: 50) describes the centrality of music as well as concerts, dance and ballet. It was in *Die Vlakte*, where the people began incrementally laying down the social base of a community of a “place,” as discussed in Chapter 2, which included churches, mosques, schools, and small shops, which characterised the close-knit and intimate neighbourhood. Beyond the larger town into which this area merged, there were no sharp boundaries and people considered coloured lived throughout the town, knotting together the links and relationships across space.

By 1921 the population of Stellenbosch stood at 7 300 (Hendrich 2006: 24). The pie chart below shows the racial breakdown of the population at this time.

²⁵ (Interview Cupido, 2009), Idas Valley, Stellenbosch.

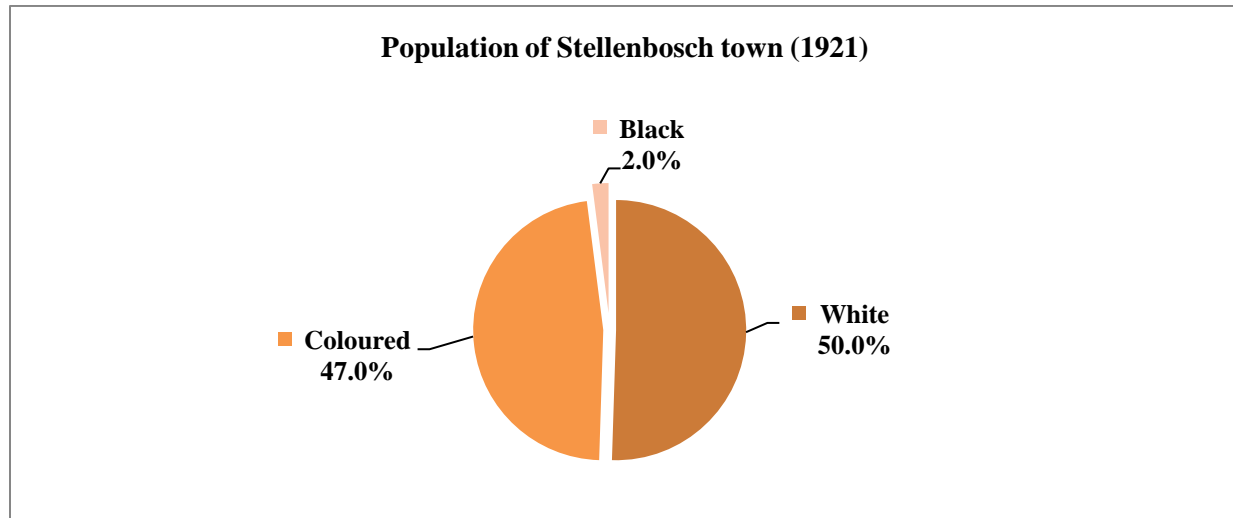


Figure 2: Stellenbosch town statistics, 1921 (Source: Hendrich 2006)

By the mid 1950s, the population had more than doubled. A census conducted to show the increase in racial groups in Stellenbosch from 1936 to 1951 is shown in the table below (the racial terminology used in the table is based on the four major racial categories stipulated by the Population Registration Act of 1950):

Table 1: Population Census, Stellenbosch (US IMS 1956: 1)

	1936	1951	June 1955 (approx.)	% increase 1936-1951
Whites	5 012	8 252	9 200	3. 38
Asiatics	53	78	90	2. 77
Coloureds	4 867	7 487	8 400	2. 91
Blacks	279	1 935	2, 230	13. 78
Total	10 211	17 752	19 920	3. 76

The table above shows a marked increase in the black population in 1951, by 13.78 percent. This could have been due to the large-scale influx of this racial group from areas and provinces outside of Stellenbosch. It should, however, be noted that before any forced removals, blacks already resided in Kayamandi and the majority of coloureds lived in Idas Valley and Du

Toitsville, and the area of “*Die Vlake* housed other coloureds and whites ...” (Fransch 2009: 134). Although the residents of Kayamandi were not affected by the Group Areas Act of 1950 (as they already resided on the periphery of Stellenbosch town), Kayamandi was however, a highly controlled and segregated place. Kayamandi was a place which already stood outside the area of *Die Vlake*, where most of the coloured residents lived.

Inhabitants of Kayamandi were referred to as “Naturelle” (which, for the purpose of this study refers to blacks). Although Dr. HP Cruse thought that a location at a centre of Stellenbosch “... would exercise influence for the good,” on the other hand Gr. AWA vd Horst was of the opinion that in Stellenbosch town a location would be “... a blot on the beauty and good name of Stellenbosch.” It was therefore resolved that the Council regard the site shown on the relative drawing by the town engineer, being part of Municipal lot 48 to the north of Du Toitsville, in extent approximately 58 morgen,²⁶ as the site for a location for blacks for the Municipality of Stellenbosch. According to the proclamation of 1942, blacks were prohibited to reside outside of Kayamandi (KAB 3/STB 1/1/9/1, Minutes of Council Meetings with Registered Voters, Wednesday, 6 January, 1952 at 8 p.m.).

Boonzaier *et. al.* (1995: 6) states that some of the coloured people who inhabited *Die Vlake* owned their homes and/or property. Similarly, Fransch (2009: 134-135) states that a number of coloured people owned their own properties in *Die Vlake* and predominantly coloured residential areas. Furthermore, many Muslims owned property which they would let to tenants (Giliomee 2007: 196). According to Giliomee (2007: 196), of the 751 families affected by the Group Areas Act, 143 of those coloured families (about 19 percent of the total number of coloured families) owned their houses.

It should briefly be noted that the festive, peaceful and mutually respectful relationship which characterised Stellenbosch town broke down in 1940. This happened when white university students and coloured residents of *Die Vlake* clashed in what has been called the “Battle of

²⁶ Measurement of land.

Andringa Street” Fransch (2009: 13). Hendrich (2006: 125) describes this clash as “... a tragic episode in the history of human relations in Stellenbosch town.”²⁷ It is said to have highlighted racial polarization in Stellenbosch town prior to the formal separation of race groups within Stellenbosch through the Population Registration Act 30 of 1950 and subsequently, the Group Areas Act 41 of 1950.

3.4. Group Areas Act 41 of 1950: Dispossessed by law

[The] object [of the Act] is to ensure racial peace ... It has been introduced because we do not believe that the future of South Africa will be that of a mixed population, and this one measure ... designed to preserve White South Africa while at the same time giving justice and fair play to the Non-Europeans in this country [South Africa].

–Dr. T. E. Dönges, Minister of the Interior in the National Party government, 14 June 1950.

(Dorsett 1999: 188-189)

The Herenigde Nasionale Party’s (HNP)²⁸ 1948 election campaign manifesto was premised on apartheid, a term that rose to prominence in 1948 (Mabin 1992: 419; Jaichand 1997: 6 and Kriel 2007: 22). According to Kriel (2007: 22) “the policy of apartheid was generally understood as a set of racially discriminatory policies and enforced racial segregation. It consisted of three main areas: (i) political apartheid; (ii) social apartheid and (iii) labour-market apartheid.” The core system was political apartheid – “the restriction or segregation of the franchise [the vote] according to race,” as stipulated by the Population Registration Act 30 of 1950. This Act marked clear racial distinctions among South African citizens, which allowed for the implementation of the Group Areas Act of 1950, in which each racial grouping was assigned their own group area

²⁷ For a more detailed account of the Battle of Andringa Street, see, Giliomee, H. 2007. “Nog Altyd Hier Gewees,” pp. 141-172; Fransch, C. J. P. (March 2009). “Stellenbosch and the Muslim Communities, 1896-1966,” pp. 123-129; Hendrich, G. (December 2006). “Die Dinamika van Blank en Bruin Verhoudinge op Stellenbosch (1920-1945),” pp. 125-156.

²⁸ Or “Purified National Party (PNP).”

(See Miller and Pope 2000). According to Kriel (2007: 22) “social apartheid was the segregation of society along racial lines through the measure of residential segregation (Group Areas Act of 1950), the segregation of workplaces and public amenities (commonly referred to as petty apartheid) and the criminalisation of mixed marriages and sex across the colour bar (Immorality Act 21 of 1950).”

According to Jaichand (1997: 6), “apartheid was the basis of Prime Minister Malan’s election manifesto in 1948 and entailed a system of separating the race groups to safeguard the racial privileges of the whites.” Many analyses of apartheid have put the economic aspects at the centre, with the political and social aspects as buttresses to that. With regard to labour-market apartheid, for instance, Yanou (2005: 74) states that “the removal of blacks from white South Africa was such a central philosophy of apartheid that it was reflected in almost every significant aspect of life.” He goes on to say that,

African’s entry and continuous residence in urban areas was, for long, linked to the predominant labour policy of the state. This labour policy, since the promulgation of the Black Labour Regulations (Black Areas) Proclamation in 1968, was based on the use of the migrant labour. This system was premised on the idea that black people will reside in the white areas only when their labour is required, and will be resident in the national states at all other times.

(Yanou 2005: 74)

The HNP’s election campaign referred to “total apartheid as the ultimate goal of a natural process of separate development” (Jaichand 1997: 6). The Group Areas Act of 1950 was central to this election campaign. According to John Western (1981: 59), the introduction of group areas was one element “... of the apartheid plan for confronting the problem of the decreasing proportion of whites in the South African population.”²⁹ It should be understood that the Group

²⁹ By 1951, the population of South Africa by racial grouping was as follows: whites: 2,641,689; coloureds: 1,103,016; Asians: 366,664; and blacks: 8,560,083 (Western 1981: 59).

Areas Act functioned within a larger framework of racially, discriminatory laws that was implemented over a period of years. According to Yanou (2005: 43) “the Natives Land Act No 27 of 1913³⁰ was one of the major legislative instruments used to remove black South Africans from their land.” The Natives Land Act formed the basis for the allocation of land between the races in South Africa. In addition, “... it also placed restrictions on the acquisition of rights to land, based on membership to a specific population group” (Yanou 2005: 43). Furthermore, Yanou (2005: 43) says that, whites, who made up just 13 percent of the population as against 80 percent for black, had control and access to over 80 percent of the country’s land.

Fransch (2009: 129) states that “the Group Areas Act introduced new features to an existing system of segregation which [already] existed throughout the country but less so in Stellenbosch.” As Mesthrie (1994: 30) says, “... group area removals need to be located within the then, apartheid regime’s wider policy of removals.” According to Jaichand (1997: 5-6) and Mesthrie (1991: 6), the Group Areas Act of 1950 was modelled on the Trading and Occupation of Land Restriction Act 35 of 1943, referred to as the Pegging Act, which was designed to freeze the land occupied by Indian residential and business holdings in the province of Natal [KwaZulu Natal], and the city of Durban specifically. This Act was aimed at “pegging what was termed Indian penetration into white areas” (Mesthrie 1991: 6). According to Western (1981: 81) the “business and trading success of a number of Indians rendered their economic status higher than that of many whites.” The Group Areas Act of 1950 was promulgated in the *Government Gazette* on the 7 July 1950 (Mesthrie 1997: 3), following shortly after the promulgation of the Population Registration Act 30 of 1950.

The Group Areas Act was introduced by then Minister of Interior, Dr. T. E. Dönges and represented the adoption of a national policy of land rights and use being determined on a racial basis (Miller & Pope 2000: 29; Giliomee 2007: 193 and Mesthrie 1991: 3). The Group Areas Act of 1950, which followed the Population Registration Act of 1950, as previously stated, set out to

³⁰ “Also called The Black Land Act 1913. Repealed by Abolition of Racially based Land Measures Act 108 of 1991” (Yanou 2005: 43).

segregate each racial group in its own residential area. According to the Surplus People Project, a total of 860 400 people were moved under the Group Areas Act between 1960 and 1983 (see Platzky and Walker 1985: 10). The people who were at the receiving end of the Act were, overwhelmingly, those classified as “non-white” – according to Western (1981: 73), as a result of the Act, “... one in six people classified as coloured and one in four classified as Indian were removed, but only one in every 666 white people were affected in this way.” The great majority of them were classified as Indian and coloured living in racially mixed suburbs in Durban, Cape Town, Johannesburg, Pretoria and Port Elizabeth. However, many smaller towns were affected as well, as my case studies demonstrate (that is, the small urban town of Stellenbosch). People were moved from a “... well-established, integrated environment to tightly controlled, uniform barren landscapes,” according to a researcher at the Institute of Criminology, University of Cape Town in 1981 (cited in Surplus People Project 1983: 17). While generally true, this is not quite as starkly the case in Stellenbosch, where Idas Valley was not a barren landscape but, initially an agricultural area that was later developed into a residential area. Fransch (2009: 130) says that “... it was the Group Areas Act ... which brought the coloured people ... into the system of control.” It was the responsibility of the Group Areas Board to manage the preliminary stages of proclamations under the Group Areas Act, while responsibility for the actual resettlement of affected people fell to the Department of Community Development³¹ (Mesthrie 1994: 43; Mesthrie 1997: 3, Western 1981: 70).

In addition, the Land Tenure Advisory Board (LTAB) was “king-pin” in the machinery for the establishment of the Group Areas Act (Mesthrie 1991: 6). The LTAB would later be known as the Group Areas Board (GAB). There was therefore, the “Cape Town committee of the Land Tenure Advisory Board (CT.LTAB)” (Mesthrie 1991: 7). The CT.LTAB opened in March 1951 with JDJ Roux as chairman of the committee. It was Roux’s responsibility to explain the

³¹ The Group Areas Board was responsible for the preliminary stages in the groups’ areas inquiries such as advertising and receiving representations from the public (Mesthrie 1994: 43), with the Department of Community Development responsible for resettlement. In addition, it was established to oversee removals and conduct a socio-economic survey of proclaimed areas to determine who qualified for economic or sub-economic housing and who would provide for themselves (Mesthrie 1997: 3).

procedure for establishing group areas to local authorities, individuals and organisations (Mesthrie 1991: 7).

The Group Areas Act operated “... by declaring an area to be set aside for those of a particular group only, and then declaring everyone not of that group to be a “disqualified person” (Dorsett 1999: 189). “Disqualified persons” were given notice that they were no longer entitled to occupy land or premises within the proclaimed area and hence were required to move out within a certain amount of time after receiving official notice to do so (Dorsett 1999: 189 and Western 1981: 71). In reference to the Group Areas Act, Dorsett states that it “... functioned as one of the apartheid regimes most successful instruments of political, social and economic control” (Dorsett 1999: 191). Control over changes in occupancy came as of 26 October 1951 (Mesthrie 1991: 5). The first group area proclamations in Cape Town were implemented by Proclamation 190 of 1957.

In some instances the advocates of the Group Areas Act, tried to claim that it promised improved housing conditions for black South Africans, through the eradication of slum areas. It was also claimed that it offered people the promise that they would be able to own their own houses (Giliomee 2007: 193). Western (1981: 73) describes how, “... Slum clearance and the concomitant health hazard argument [were] are frequently employed as official justifications for group areas removal of persons (almost always Nonwhites) from one part of the city to another.”

He goes on to describe how the Group Areas Act was attacked in Parliament by opposition Member of Parliament Helen Suzman in 1961 for these false claims:

You do not need a Group Areas Act to clear slums; there is a Slum Clearance Act under which one can quite readily clear slums; and ... to put up great housing schemes [in which those removed have been

resettled] ... also has nothing to do with the operation of the Group Areas Act.

The primary purpose of the Group Areas Act was to segregate the people of South Africa on the basis of race. The Surplus People Project, which investigated the legalised land theft, estimated that between 1960 and 1983 alone about 3.5 million people were forcibly removed from their land and homes, of whom some 860 400 were victims of the enforcement of group areas (Platzky and Walker, 1985: 10). According to the DLA (1998: 29), more than 130 000 families, involving 73 000 properties were dispossessed under the Group Areas Act 41 of 1950, the Resettlement of Blacks Act 19 of 1954, and the Community Development Act 3 of 1966.

According to the Surplus People Project (1983: 17), "... for decades people had lived close to their places of work and recreation. The coloured people in Cape Town were particularly affected by this legislation in terms of numbers (65 532 families) as well as their quality of life and means of earning a living." Black communities within Cape Town were removed from their central location to the periphery of the central business district, to the area known as the Cape Flats. Giliomee (2007: 194) states that in Cape Town between a quarter and a third of the coloured people lived in mixed residential areas. Through this system "... coloureds, blacks, whites, chinese and malay race groups could apply to live in a particular area not designated for their racial group and the LTAB would either accept or reject the application" (Mesthrie 1991: 5).

In reference to the social relationships in Cape Town, Fransch (2009: 131) says that "because of the multi-cultural setting of Cape Town, all races had become interdependent and, much like the social setting of Stellenbosch, a sense of a non-racial community had been formed." As is discussed more fully above in Stellenbosch specifically the racialised identity of "coloured" and "white" was less significant for many than their identity as "Stellenboschers."

3.5. *Die Vlake* and the Group Areas Act of 1950

The following account draws heavily on a monthly newsletter, “Information in Connection with the Municipality of Stellenbosch” (IMS), which was established in 1945 “... to communicate Council decisions to the public as well to harness a sense of pride within the town.” According to Fransch, “debates and updates about the separate group areas developments formed the basis of much of the material contained in this newsletter during the 1950s and 1960s” (2009: 138). The newsletter provided information on continued communication between the Stellenbosch Town Council and the Group Areas Council (Board), and the communication from Stellenbosch Town Council to the Stellenbosch community. The Information published in the IMS included recommendations made by the Group Areas Board to the Minister (US IMS, vol. 1, no. 1, 22 May 1959: 5-6), generally, as well as communications pertaining to the reluctance of the Stellenbosch Town Council to proceed with the implementation of the Group Areas Act without clear demarcated areas for the various racial groups (US IMS, vol. 1, no. 1, 3 July 1959: 5). The IMS was the medium of communication regarding the processes of the Group Areas Act within Stellenbosch.

It is worth noting that when the Act was passed, it was vehemently opposed by certain members of the Town Council of Stellenbosch (Boonzaier *et. al.* 1995: 1 and Giliomee 2007: 201). The Stellenbosch Town Council foresaw problems in the implementation of the Group Areas Act:

Daar is van die Departement Binnelandse Sake verneem dat die Groepsgebiedraad besig is met die formulering van die afbakeningproklamasie. Dis glo 'n omslagtige proses, maar nietemin kan ons verwag dat die proklamering nog vanjaar sal geskied. Die volgende stap sal dan wees om die skema toe te pas, en ek vermoed dat ons probleme dan eers sal begin.

(US IMS, vol. 1, no. 1, Friday, 11 September, 1959, p. 5)

The Council was unwilling to separate the inhabitants because of the large scale damage it would cause (Boonzaier *et. al.* 1995: 1) to the inhabitants of the town. Fransch (2209: 136) similarly argues that, "... the Municipality of Stellenbosch actively sought to work within the system to avoid any unwarranted impositions from the State." Boonzaier *et. al.* (1995: 1) states that "*Die Stadsraad van Stellenbosch, gedagtig aan die grootskaalse ontwigting wat die toepassing van die Groepsgebiedwet sou veroorsaak, was aanvanklik onwillig om mense summier te verskuif.*"³² Those who served on the Council in the 1950s and 1960s and who felt that a great injustice was being performed included: Erika Theron; P.A. Theron; J.C. de Wet and Frans Smuts (Giliomee 2007: 201). Giliomee (2007: 202) says that "*as gevolg van hierdie langdurige konflik tussen die stadsraad en die departement het dit tot 1962 geduur voordat Die Vlakte tot beheerde gebied verklaar is ...*"³³

Despite the Council's efforts, on 24 August 1962 most of Stellenbosch was proclaimed a white area under the Group Areas Act (Fransch 2009: 141 and Giliomee 2007: 199). The coloured areas included Idas Valley and Cloetesville, and the white areas was described as the area south of the Plankenbrugrivier and between the railway and the eastern border of the municipality. However, the area of *Die Vlakte* was, according to Giliomee (2007: 199) the big "*twisappel* [bone of contention]" to be proclaimed a controlled area. Hence, only two years later, on the 25 September 1964, was *Die Vlakte* proclaimed a white group area (Giliomee 2007: 200). According to Giliomee (2007: 203), the Stellenbosch Town Council indicated that a total of 750 coloured [brown] families (3 500 persons) and 7 Indian families (50 persons) were affected by the Act.

Initially, the state had a "... radical plan to shift all the coloured people out of Stellenbosch town to an area between Vlottenberg and Jamestown" Giliomee (2007: 198). This led to the establishment of the Coloured Protection Board of Stellenbosch, of which outspoken community

³² "The Stellenbosch Town Council, considering the widespread dislocation that the application of the Group Areas Act would cause, was initially reluctant to immediately move people."

³³ "as a result of this protracted conflict between the Town Council and the department lasted until 1962, before *Die Vlakte* was declared a controlled area."

leader; Mr. Aaron Cupido was the chairman. Mr. Cupido lived at Number 97 van Ryneveld Street in *Die Vlakte*, in a seven bedroom house with his father, mother, brother and sister (Interview, Cupido, June 2009). The house as named “Monta Vista.” The house is shown in the picture below.



Picture 1: Childhood home of Mr. Cupido
(Source: Aaron Cupido)

With the prospect of being relocated to beyond the outskirts of the urban area of Stellenbosch town, Mr. Cupido “... bargained for certain geographical boundaries to be demarcated within the town of Stellenbosch where coloured groups could live” (Fransch 2009: 141). According to Giliomee (2007: 199), Mr. Cupido stated that “.. *Idas Valleï ten alle koste behou word as ‘n bruin gebied.*”³⁴ Idas Valley was under threat of being zoned a white area. Therefore, Mr. Cupido urged for Idas Valley to remain a coloured area, as plans were in place to move the coloured inhabitants of *Die Vlakte* to the area between Vlottenberg and Jamestown, outside of Stellenbosch.

Along similar lines, Fransch (2009: 141-142) and Giliomee (2007: 199) indicate that Mr Cupido reminded the authorities that Bruckner de Villiers, a key National Party (NP) politician who actively sought the co-existence of a coloured and white community in the town, had made provisions for coloured ownership of land by producing, through National League funds, land in Idas Valley where coloured people could buy and build their own homes.³⁵

Fransch (2009: 142) states that after the discussion on relocating all the coloureds to the outskirts of Jamestown had begun, Mr. Cupido approached the chairman of the Ratepayers’ Association

³⁴ “Idas Valley should, against all costs be kept a coloured neighbourhood”.

³⁵ Interview, Mr. Aaron Cupido: June 2009, Stellenbosch.

of Idas Valley and he was told not to bother, “The Boere³⁶ will do as they want.” As a result, he formed the Stellenbosch Protection Society to defend the rights of coloureds of Stellenbosch in the face of forced removals. In attempts at representing the coloured people at the Group Areas Committee meeting, Mr. Cupido drafted a letter and went to Du Toit’s Station where he managed to get eight signatures – the application was accepted (Fransch 2009: 142). At the meeting in 1956, Fransch (2009: 142) says that Mr. Cupido recalls addressing Mr. A. P. Venter, Provincial Representative for Stellenbosch and former “secretary to the NP candidate Bruckner de Villiers in the 1930s. De Villiers was the brother-in-law of Jan Marais and had procured land in Idas Valley which he sold to his coloured supporters for under £10, payable over three years. Mr. Cupido remarked that many never paid him in full but this was more a gesture of thanks to his coloured constituents rather than a financial endeavour” (Fransch 2009: 142). Furthermore, Fransch (2009: 142) states that “in addressing the Board; Mr. Cupido vividly recalls reminding Mr. Venter of the deeds of the then late Senator De Villiers.”³⁷ He added that Stellenbosch was there because of coloured manpower: “If we had to move, we could no longer be called people from Stellenbosch. We would have no name. We wanted to be called people from Stellenbosch. Remember, we had always been here” (Fransch 2009: 142). Fransch (2009; 142) believes that “... if people, such as Aaron Cupido, had not been vocal, greater losses would have occurred for those who had procured some financial and economic stability, as well as a home of their own, within Idas Valley.”

It can therefore be said that Mr. Cupido was instrumental in securing residence for those coloured families who were moved to Idas Valley (to remain in Idas Valley) and the area of Cloetesville. The passion with which he served his fellow coloured people by becoming “part of them”³⁸ and in so doing, refusing to shout from the sidelines.

The coloured residents of Stellenbosch town were relocated to the racial townships of Cloetesville and Idas Valley, located on the periphery of the town (Boonzaier *et. al.* 1995: 1-2).

³⁶ During the apartheid era, Boere referred to white people.

³⁷ Interview, Mr. Aaron Cupido: June 2009, Stellenbosch.

³⁸ In referring to the white authorities (Interview, Mr. Aaron Cupido: June 2009, Stellenbosch).

Cloetesville was planned to house low-income households whilst Idas Valley was made available to the more “well-off” sections of the coloured people (Boonzaier *et. al.* 1995: 2). Following the removals of 1964, 48 coloured families were removed from Merriman Lane on 27 August 1969 – it was these families who would form the first hundred families who settled in Cloetesville (Giliomee 2007: 203). Most coloured residents had been removed by 1971.

The impact of the Group Areas Act on the community of *Die Vlakte* was devastating as the community, families, and friends were torn apart and dispersed to the peripheral areas outside the town. This theme is picked up upon in my next chapter, in the way in which the claimants I interviewed remember this experience. Similarly, Giliomee (2007: 202) says “*die gemeenskap van Die Vlakte is nie net verskuif nie; dit is letterlik opgebreek.*”³⁹ Boonzaier *et. al.* (1995: 10) eloquently states that, “... *die verskuiwing was vir die dorpenaars ‘n wrede ontnugtering en ‘n taamlike aanpassing.*”⁴⁰ Boonzaier *et. al.* (1995: 10) highlights the pain felt by many within the coloured community as a result of this Act, quoting Mr. Dreyer who lived in Andringa Street, who asked the question “*wat het ons teenoor die Witman gesondig dat hulle ons soos diere behandel!*”⁴¹ Biscombe (2006: 224) argues that “... *die implikasies en toepassing van die Groepsgebiedewet was wreed ontwrigting en mense moes ‘n nuwe bestaan elders maak.*”⁴² Many coloured people see it as the reason why they are still struggling (Biscombe 2006: 224). In sombre words, Biscombe (2006: 224) describes the event “*Dit is selfs soos die dood ervaar.*”⁴³ Giliomee (2007: 201) quotes a respondent in saying, “*die bruin man gaan nooit die wit man vergewe vir wat die blanke man aan ons gedoen het nie; hulle het ons mense wreed behandel. Ons is diep seergemaak.*”⁴⁴ It was the coloured people within Stellenbosch town who had to bear the brunt of the Act. Separate racial residential areas were seen as progressive, when it was stated that “this is not only good theory, but it is the actual practice of all progressive municipalities.”⁴⁵

³⁹ “The community of *Die Vlakte* was not only moved; they were literally torn apart”.

⁴⁰ “for the villagers, the removal was a cruel disillusionment and quite an adaptation.”

⁴¹ “What sin have we committed against the white man, that they treat us like animals!”

⁴² “The implication and implementation of the Group Areas Act was a cruel occurrence and people had to make a new start elsewhere.”

⁴³ “It was an experience analogous to death.”

⁴⁴ “The coloured man will never forgive the white man for what the whites did unto us; they handled our people with hostility. We are deeply hurt”.

⁴⁵ US I.M.S no. 13, December 1946, p. 2.

Therefore, the pattern of home ownership post the implementation of the Group Areas Act changed drastically, as the number of coloured home owners increased as they bought houses in Idas Valley and the then “new area” of Cloetesville (Giliomee 2007: 197).

With the fall of apartheid and the advent of a “new” democratic dispensation which started in the early 1990s, those black South Africans dispossessed of their land and their right in land because of apartheid’s racially discriminatory laws were provided the opportunity to reclaim their land, their place, through the land restitution programme.

Walker, Bohlin, Hall and Kepe (2010: 3) state that “... it is striking that to date most scholarly analyses of land restitution, as well as public political commentary, have focused on rural claims and rural land issues. The particular meanings of restitution in the urban context, including the extent to which urban financial settlements have contributed to a sense of closure on the past, have received relatively little in-depth analysis thus far.” This is significant for my thesis as the context which I engage is urban Stellenbosch, specifically the area previously known as *Die Vlakte*. It is within this urban context that my thesis investigates how claimant memories are shaped by the master narrative of restitution.

3.6. Foundations of land restitution in South Africa

With the dawn of a then “newly” democratic dispensation, negotiations began to discuss the way forward and the ways in which those previously dispossessed of the land would be compensated for the loss suffered. Negotiations focussed on how they would go about righting the wrongs of the past. In attempts at “righting” the injustices of the past, the then, “new” democratically elected African National Congress (ANC)-led government aimed to right the wrongs of land dispossession and displacement through the Restitution of Land Rights Act of 1994. In the words of Hall (2010: 17) “land restitution is intended to right the wrongs of the past: to redress unjust dispossession and to heal.”

“State sponsored forced removals were among the most flagrant human rights violations of the apartheid era. Reflecting the political significance of this history, the Restitution of Land Rights Act was the first piece of transformation legislation passed by South Africa’s newly constituted Parliament ...” (Walker *et. al.* 2010: 1). This discussion focuses on the foundations and development of the Restitution of Land Rights Act 22 of 1994 through negotiations.

During the negotiated transition to democracy, many South Africans expected that liberation would bring the return of land of which they had been dispossessed under colonialism and apartheid, but the terms on which the transition was negotiated constrained the parameters of how this could happen.

(Hall 2004: 654)

On 20 and 21 December 1991 the Convention for a Democratic South Africa (CODESA) convened in Kempton Park, Johannesburg, attended by most of the major political parties,⁴⁶ with delegates from nineteen political parties. Here it was decided that a new constitution for a *united, democratic, non-racial and non-sexist* South Africa would be drawn up according to an agreed set of principles and thus, to negotiate for the future of the country (Kriel 2007: 27). Hall (2004: 656) states that although land restitution was important to the ANC dispensation, “the ANC did not have a detailed proposal for land reform to put on the table when CODESA talks started in 1991.” While some progress was achieved in the Working Groups at the Convention (CODESA I) in preparation for a second meeting, the proceedings were “becalmed” (that is, brought to a standstill) for various reasons (Jaichand, 1997: 8). However, an influential body in the shaping of the future of land restitution was established at this time, the Land Claims Working Group which was established in 1991 by individual Non-Governmental Organisation (NGO) members and lawyers within the ANC network. This network enjoyed close links with members of the ANC’s Land Commission and constitutional negotiating team (Walker 2005b: 813). With regard to land restitution, “... the group’s brief was to develop concrete policy proposals on land restitution for

⁴⁶ “The Conservative Party (CP), Pan African Congress (PAC) and the Azanian People’s Organisation (AZAPO) refused to participate” (Kriel 2007: 27).

the negotiations and for a future government programme – [it should be noted that] its draft restitution bill was ready even before the ANC took office in 1994” (Walker 2005b: 813).

Expectations, according to Kriel (2007: 27) were too ambitious and CODESA came to a halt barely six months after its inception. CODESA II started in May 1992, but positions hardened between the ANC and the NP – the ANC was wary of an alliance between the Inkhata Freedom Party (IFP) and NP (Kriel 2007: 27). Kriel (2007: 27) says that “the failure of CODESA led to a completely different format: the Multi-Party Negotiating Process (MPNP) in 1993.” With regard to restitution specifically, Walker (2000: 8) says that “... the constitutional commitment to restitution that came about during protracted Multi-Party negotiations ... is [was] the synthesis of two competing political imperatives” – atonement for the past forced removals and a compromise with the ruling class on property rights, for economic and political stability. In 1993 the NP was prepared to negotiate a trade-off between a land claims process for those who had lost formal land rights in the past and guarantees for existing property rights into the future (Walker 2005b: 813). According to Walker (2005b: 813), “... its Charter of Fundamental Rights of February 1993 did not specify a right to restitution but, within a strongly pro-market framework, did recognise property expropriation for public interest, subject to the payment of an agreed compensation or ... compensation in cash determined by a court of law according to the market value of the property.”

When the MPNP was resuscitated in early March 1993 (Jaichand 1997: 8),⁴⁷ the ANC rapidly assembled the Land Claims Working Group, established in 1991, to map out the details. In other words, details pertaining to the restitution programme were developed by a Land Claims Working Group, separated from other agrarian reforms (Hall 2010: 20 and Walker 2008: 62).

⁴⁷ Furthermore, Jaichand (1997: 8) says that “the task of the Constitutional Assembly, which is the National Assembly and Senate sitting together, was to approve the Final Constitution within two years from the first sitting of the National Assembly. In April 1994 South Africa’s first democratic elections were held which the African National Congress (ANC) won with an officially declared gain of 62.5 per cent. On the 10th May 1994 Nelson Rolihlahla Mandela was inaugurated as President of the Republic of South Africa”.

Subsequently, the ANC's Ready-to-Govern policy document stated that: "Priority will be given to victims of forced removal who, wherever possible, should get the land back taken from them by the apartheid state" (Hall 2004: 656). The principle of land restitution was stipulated in the Interim Constitution of the Republic of South Africa, Act 200 of 1993 in Subsection 8, on "equality," of Chapter Three:

Every person or community dispossessed of rights in land before the commencement of this Constitution under any law which would have been consistent with Subsection (2)⁴⁸ had that subsection not been in operation at the time of the dispossession, shall entitled to claim restitution of such rights subject to and in accordance with Sections 121,⁴⁹ 122⁵⁰ and 123.⁵¹

CODESA was thus crucial in developing the base for land restitution in South Africa. According to Walker (2005b: 815-816) "... in December 1993, [Association For Rural Advancement] AFRA News, the newsletter of one of the most active land-rights NGOs in the property rights debate, commended the sensitivity displayed by negotiators in paving the way for resolving the sensitive issue of forced removals" Thus, despite setbacks, suspicion, CODESA was able to

⁴⁸ "No person shall be unfairly discriminated against, directly and indirectly, and, without derogating from the generality of this provision, on one or more of the following grounds in particular: race, gender, sex, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture or language" (Interim Constitution of the Republic of South Africa, Act 200 of 1993).

⁴⁹ Section 121 (Claims), (1) An Act of Parliament shall provide for matters relating to the restitution of land rights, as envisaged in this section and in Sections 122 and 123.

⁵⁰ Section 122 (Commission), (1) The Act contemplated in Section 121 (1) shall establish a Commission on Restitution of Land Rights, which shall be competent to: (a) investigate the merits of any claims; (b) mediate and settle disputes arising from such claims; (c) draw up reports on unsettled claims for submission as evidence to a court of law and to present any other relevant evidence to the court; and (d) exercise and perform any such other powers and functions as may be provided for in the said Act.

⁵¹ Section 123 (Court Orders), (1) Where a claim contemplated in Section 121 (2) is lodged with a court of law and the land in question is: (a) in the possession of the state and the state certifies that the restoration of the right in question is feasible, the court may, subject to Subsection (4), order the state to restore the relevant right to the claimant; or (b) in the possession of a private owner and the state certifies that the acquisition of such land by the state is feasible, the court may, subject to Subsection (4), order the state to purchase or expropriate such land and restore the relevant right to the claimant.

produce the basis for one of South Africa's most transformative laws in providing a foundation for land restitution in the country.

“The Restitution of Land Rights Act 22 of 1994 was the first law passed by the ANC-led Government of National Unity that set out to redress the legacy of apartheid rule” (Hall 2010: 21). Furthermore, Hall (2010: 21) states that the Act “... affirmed the right to restitution and defined the process by which those who were deemed eligible could lodge their claims” (the restitution process is discussed at length in the following section). In elucidating restitution as a government programme, Hall (2010: 21) states that,

Restitution is a rights-based programme in that the dispossessed or their descendants have an enforceable right, confirmed in the Constitution, to restoration of, or compensation for, property that was unfairly taken.

The first ANC Minister of Land Affairs, Derek Hanekom, on the occasion of his maiden budget speech to the Parliament of the Republic of South Africa in September 1994, outlined the, now, commonly known framework of a land reform programme. This included:

- The restitution of land rights to the victims of forced removals.
- The redistribution of land to address land hunger and needs.
- Providing security of tenure.

As previously stated, the principles of the Restitution of Land Rights Act 22 of 1994 was “hammered out” in the Interim Constitution, Act 200 of 1993, which at that time stipulated that it would provide that “... every person or community dispossessed of rights in land before the commencement of this Constitution, as a result of racially discriminatory laws, shall be entitled to claim restitution of such rights, subject to certain limitations – most significantly, that the act of dispossession had taken place after 19 June 1913 (the date on which the infamous Natives

Land Act was passed) and that those dispossessed had not received just and equitable compensation for their land” (Walker 2008: 6).

The cut-off date of 19 June 1913 was selected because the Natives Land Act of 1913 was the “most significant introduction of legal restrictions on black landownership” (Hall 2010: 18). This law “designated land on a racial basis and prohibited black South Africans from acquiring, leasing, or transacting land outside small native reserves, later formalised as ethnic homelands or Bantustans, which were scattered across the country” (Hall 2010: 18). Furthermore, although this date has been “energetically contested,” “the reason given by the minister of land affairs for not accepting claims predating 1913 is that this would open the way for claims on land already occupied by blacks, rather than focusing on white-owned land” (Hall 2010: 23). As Lahiff (2002: 40) points out, “legally, all restitution claims are against the state, rather than against current landowners.” The Minister of Land Affairs (DLA) (1998: 28) similarly stated that:

The Interim Constitution provided a framework for the restitution⁵² of land rights, instructing the legislature to put in place a law to provide redress for the victims of acts of dispossession that took place after 1913,⁵³ in the form of restoration of the land that was lost, or alternative remedies.

⁵² It should be noted that restitution operates in the broader government framework of land reform. It is one of the three branches of the land reform programme in South Africa, along with: (i) land redistribution and (ii) land tenure reform (Bohlin 2004: 673). According to Miller & Pope (2000: 173), “the three sub-programmes do not have any dogmatic basis, being no more than the three broad areas of reform identified in the Constitution.” Furthermore, restitution and redistribution are essentially concerned with the direct provision of legal rights in land; the former process being driven by the particular matter of dispossession on the basis of racial law passed after 19 June 1913, and the latter motivated by the relatively open-ended notion of the needs of disadvantaged people. Land tenure reform is a more complex concept with a broad scope generally directed towards the provision of choice of meaningful legal rights over the entire range of situation presented by varying urban and rural circumstances and contexts (Miller & Pope 2000: 173).

⁵³ According to Dorsett (1999) “the choice of 1913 as a cut-off date recognises that systematic dispossession occurred prior to the beginning of the ‘grand apartheid era’ in 1948. However, it is also well known that extensive dispossession occurred prior to 1913, particularly during the nineteenth century colonial period. Despite this, it was determined by the government that to provide for the possibility of restitution for acts prior to 1913 would lead to massive upheavals in the stability of land ownership in South Africa.” “Racially discriminatory controls over the actual allocation of rights [in land] which were developed principally in the twentieth century, but had its roots deep in South Africa’s colonial past” (Miller & Pope 2000: 168).

The government institutions which were set up to run the restitution process primarily included the Land Claims Court (LCC) and the Commission (Hall 2010: 21). The DLA had a role to play as the conduit of funds for the Commission and the body tasked with representing the state in the negotiations and, initially, overseeing the settlement of the restitution award that was made.

It has been argued that the “Constitution of the Republic of South Africa, Act 108 of 1996 confirmed the protection of private property rights ... [including existing property owners]” (Hall, 2004: 654-655). The Preamble of the Constitution of 1996 “recognises the injustices of the past” and vows to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights” (Jaichand, 1997: 23). Furthermore, “the right to restitution is enshrined in section 25(7) of the 1996 Constitution, which provides that a person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices are entitled to either restitution of that property or equitable redress” (Dodson 2010: 274). Arguably, the 1996 Constitution is more strongly on the side of those previously dispossessed than the 1993 Interim Constitution.

Accordingly, Parliament enacted the Restitution of Land Rights Act 22 of 1994, creating the Commission on Restitution of Land Rights (CRLR) and the Land Claims Court (DLA, 1998: 28). The Restitution of Land Rights Act 22 of 1994 was promulgated in the Government Gazette of 25 November 1994, in accordance with Gazette 16106GN2011/1994 and Gazette 16166 Proc and 176/1994 of 2 December 1994 and amended Act 84 of 1995 (The Commission News 2008: 2; Walker 2008: 66 and Jaichand 1997: 53). According to Walker (2008: 5; 2005b: 806), “The Restitution of Land Rights Act was the first substantive piece of transformation legislation passed by the nation’s newly democratised legislature ... its approval greeted by cheers and a standing ovation in Parliament.”

The CRLR itself has embraced a vision of itself as having a far-reaching transformative mandate. Thus in its 2007/08 Annual Report (2008: 5) it states that through the promulgation of the Restitution of Land Rights Act “... the democratic government has ensured that action is taken to restore the land rights to the victims of the land dispossessions which took place in this

country [South Africa] under the apartheid regime.” It has defined its vision: “To be leaders in the restitution of land rights to victims of racial land dispossession in a manner that ensures sustainable socio-economic development” (CRLR: Annual Report(s) 2004/05; 2005/06; 2006/07; 2007/08).

If restoration is not possible, restitution may take the form of financial compensation or in the case of land, alternative land. What is important to note is that the constitutional right to claim restitution does not mean that each and every successful claimant will receive a piece of land, a house and/or an amount in compensation, a point the DLA has made (DLA 1998: 53). However, it has also made the point that the constitutional right to restitution does, at the very least, guarantee each successful claimant the right to participate in formulating a restitution package to give recognition to such claims. The DLA (1998: 53) also notes that “many claimants feel strongly about returning to the particular land from which they were removed” and that the principle of restitution means that preference should be given to the restoration of land (DLA 1998: 53).

Factoring in the issue of compensation received at the time of removals has been a contentious and challenging area for the development of policy guidelines within the Commission and DLA. This is of particular relevance in the case of Group Areas claims, given that many of those forced to move were given some level of compensation in terms of the Act, albeit inadequate and below what they would have received had they sold their property on an open market. Just stated above, it was said that compensation that was received at the time of removal, and any improvements to the property since dispossession will have to be taken into account when structuring the package for restoration

Miller and Pope (2000: 171) quote Van der Walt in a noteworthy statement with regard to land restitution, when he says:

Leaving the positive rights created by section 25(6)-(9) aside for the moment, it can be argued that section 25 resurrected land rights that

were undermined during the apartheid era, and that new legislation administers and controls rather than creates these rights in the [then] new dispensation. The rights that were undermined now enjoy constitutional recognition, and land reform is needed only to give effect to and administer the process of reincarnation of these rights.

An important point to note is that urban land claims were initially excluded by the Land Claims Working Group (Walker 2005b: 813). Restitution discussions at CODESA and the legislation which followed were much more focussed on rural land claims than that of urban claims. Hall (2010: 31) states that “rural claims account for less than 30 percent of all claims, but most entail groups of hundreds if not thousands of people, whereas urban claims are generally smaller, centred on individuals or extended families. For this reason, rural claims are considered to be the backbone of restitution.” According to Moabelo (2007: 12) the strategic focus of the CRLR is on the rural claims received, because a “... rural claim involves a larger number of people.” He states that most of the rural claims are community claims, whereas “... urban claims are individual household claims, with some exceptions” (Moabelo 2007: 12).

According to Hall (2010: 2), “in 2002 he [the minister] set a deadline for the finalisation of all restitution claims and the closure of the CRLR by 2005, later extended to 2008. In 2008 this deadline was pushed back further, to 2011, and again in 2009, to 2012, signalling the recognition that resolving claims will likely continue for some years to come.” The continuous extension of the deadline for the finalisation of restitution attests to the complex nature of the restitution programme, which could be attributed to various factors. This could be complex rural claims, lag in the administrative process of the CRLR, etc.

3.7. The land restitution process in South Africa

Having discussed the legislation in the previous section, this section is about the land restitution process itself. In this section I provide a breakdown of the restitution process, consisting of six phases, from lodgement to the implementation of the settlement.

Kothari and Minogue (2001: 301) state that restitution usually involves a number of components, these include:

- Restoration of a right.
- The restoration of physical property lost, or the compensation of victims.
- Reconciliation of victims and the perpetrators/beneficiaries of the original dispossession.
- Expectation that the restitution process will contribute to land reform and development.

There are various stages in the land claims process. The first of these is the actual decision to lodge a claim, which may have many aspects to it. If it is a group claim, or involves other family members, it may be a very complex process. Very little research has been done on this aspect. Similarly, Dhuphelia-Mesthrie (2010: 87) quotes Walker that “there has been a lack of attention by the state to the symbolic, cultural and psychological elements of restitution... [O]nly minimal attention has been given to the non-material issues around memory, public recognition and identity that inform many claims.”

The CRLR was tasked with driving the restitution process. The CRLR is responsible for “... assisting claimants, investigating the validity of claims, and preparing them for settlement or adjudication” (Hall 2010: 21). The CRLR is also tasked with post-settlement support for claimants, which was initially the responsibility of the DLA. In the provinces, the Regional Land Claims Commission (RLCC) is responsible for the work of the CRLR. Since 2006 the “... RLCCs have exercised substantial authority over the [restitution] process” (Hall 2010: 21). Thereafter the claimant has to engage with the actual lodging of the claim itself. At this stage, the claim is lodged at the office of the Regional Land Claims Commissioner. Initially, five RLCC

offices were established to administer the process of restitution under the office of the Chief Land Claims Commissioner (CLCC). Thus, “the role players in the restitution process includes the CRLR, Chief Land Claims Commissioner (CLCC), RLCC as per province, and the DLA which is a respondent in all restitution and land claims” (Moabelo 2007: 5).

The restitution process includes the following phases, as outlined by Moabelo (2007: 11-12):

Phase 1: Lodgement and registration. This phase considers claims lodged by 31 December 1998 wherein an acknowledgement is issued. The act stipulates that: Any person or representative of any community that is entitled to claim restitution of a right in land, may lodge such a claim that shall include a description of the land in question, the nature of the right in the land of that he/she or such community was disposed and the nature of the right or equitable redress being claimed, on the form prescribed for this purpose by the CLCC.

Phase 2: Screening and categorisation. Compliance with the act is checked and establishes missing information. It is during this phase that field research is conducted.

Phase 3: Determination of qualification. Claim is accepted or found not to qualify for publication in the Government Gazette and relevant newspapers. Claimant and other parties are informed accordingly.

Phase 4: Negotiations. A report is produced after the completion of investigation. Various options are presented to help claimants make an informed choice.

Phase 5: Settlement. During this phase, agreements are signed in terms of Section 42 D Ministerial approval or a decision made by the LCC in the form of court order.

Phase 6: Implementation of settlement. This phase includes detailed land planning, transfer of land, development funds, grants, post award support and handover of financial compensation, or other redress.

Despite the structured phases of which the restitution programme comprises, it is not immune to critique. In this regard, some scholars and researchers have laid heavy criticisms on the lengthy administrative process which claimants have to endure in the hopes of attaining settlement. In this vein, Hall (2010: 32) states that,

Restitution in South Africa has been variously hailed as a great success and devastatingly critiqued as overly conservative, highly bureaucratic, and painfully slow.

Similarly, Moabelo (2007: 42) says that the “slow pace of land reform, and restitution in particular, causes despair among land claimants ...” He goes on to say that the pace from when the claim is lodged to restoration is slow (Moabelo 2007: iv).

By April 1997, 12 130 urban claims had been submitted to the CRLR (DLA 1998: 29). Rural claimants suffered dispossession under a variety of policies, including clearance of “black spots” and “poorly situated areas,” betterment schemes, cancellations of provisos in title deeds and acquisition of land by the former South African Development Trust (DLA 1998: 29). By April 1997, almost 3000 rural claims had been submitted to the Commission, of which a great number were large group claims (DLA 1998: 29).

3.8. Land restitution in the Western Cape Province

Walker (2008: 214) states that the claims lodged for the Western Cape make up 21 percent of the total claims lodged nationally. In contrast to the rural focus of land restitution in most provinces, in the Free State and Western Cape urban claims predominat (Hall 2010: 31). The table below illustrates the claims lodged and settled for the Western Cape Province, including an urban-rural breakdown from 1995 to March 2010:

Table 2: Claims lodged and settled from 1995 to March 2010 (Adapted from Commission on Restitution of Land Rights: Annual Report, 2010) (CRLR 2010: 63)

Province	Claims Lodged	Claims settled	Benef. Households	Ha. Transferred
Western Cape	11 938	15 528	24 105	3 769

What is interesting to note is that according to the official numbers, by March 2010 a total number of 15 528 claims had been settled out of a total of 11 938 claims lodged. Walker (2008: 242) discusses some of the reasons for this, as a result of the different ways of counting claims by the state, in addition to adjustments to the numbers after various internal audits.

The national figures also show the family and individual nature of most claims in the Western Cape, as well as the predominance of financial compensation as a way of settling claims. The total number of households in the Western Cape makes up only 7.4 percent of households nationally. At the same time, the total of hectares transferred in the Western Cape through land restitution comprises only 0.1 percent of the national total of hectares transferred.

In the Commissions 2008 Annual Report (2008: 29) it was reported that many claimants in the Western Cape opted for financial compensation because they did not wish to be dislodged from their current areas of residence where they had re-established themselves as communities. According to the CRLR, claimants felt the financial compensation would help them in improving their quality of life (CRLR 2008: 29). According to the Commissions 2010 Annual Report there are 571 claims outstanding in the Western Cape (CRLR 2010: 12). By the 31 March 2010, it was indicated that CRLR had settled a total of 15 528 claims in the Western Cape, since 1995 (CRLR 2010: 63).

Within the Western Cape, and Cape Town specifically District Six claims have in many instances overshadowed other claims, enjoying much media and public attention. As Dhupelia-

Mesthrie (2006: 5) says, in reference to claims by Black River claimants, District six would be a priority in processing compensation for claims.⁵⁴ Similarly, in relation to my study, little attention has been to the claimants and their engagement with the restitution programme for urban land in Stellenbosch. Through my thesis, Stellenbosch land claimants will have their voices heard.

3.9. Restitution claims in Stellenbosch

Having provided the background of restitution within the context of the Cape Province, this section aims to present the milieu of removals and restitution within urban Stellenbosch, and specifically focussed on the area previously known as *Die Vlakte*.

Restitution, according to Hall (2010: 17) also “... performs important symbolic work by acknowledging histories of injustice and their impacts on individuals, families and communities.” To reiterate, in Stellenbosch, Giliomee (2007: 203) indicates that 750 coloured (that is, 3 500 persons) and 7 Indian families (that is, 50 person) were removed from *Die Vlakte* to the peripheral areas of Idas Valley and Cloetesville, outside the town. In total 757 families who lived in *Die Vlakte* were removed (which included coloureds and Indians).

Taking the 3 550 persons who were removed from the area, only 33 people lodged claims to urban land in Stellenbosch.⁵⁵ Therefore, of those removed only 0.92 percent of the former inhabitants of *Die Vlakte* lodged a claim to land. If the list was to be grouped by family, it would bring the number of people lodging claims down to 19 people (0.5 percent of those removed). Most of the 34 claims are individual household claims, with two group claims by the Verenigde Gerefomeerde Kerk [Untied Reformed Church] and the Methodist Church of Southern Africa, respectively.

⁵⁴ Similarly, Walker (2006: 1 and 2010: 255) with reference to claims made by Cato Manor claimants, that, “nationally it is perhaps not as iconic as District Six ... in the popular imagination.”

⁵⁵ Data provided by Kholeka Ngonyama at the RLCC office in Cape Town, Strand Street (2009).

For the purposes of my thesis, which is exploratory in nature, I have included five families as case studies. Much more detailed discussion on these families is provided in the following chapter.

Chapter 4: Case Studies, Family Profiles

4.1. Introduction

This chapter focuses on the five case studies of claimant families, looking at: who they are; their history in Stellenbosch; their experience of removals, relocation and their current place of residence; their experience(s) of the restitution process, and their memories of place and community. In this way, this chapter investigates how the master narrative of restitution shapes the memories of claimants in relation to their claims lodged – as part of the newly formed “imagined community” (Fay and James 2010: 46) of land claimants. My primary sources are the interviews I conducted with individual claimants over a period of ten months in 2008/2009; unless otherwise specified, the quotations in the text are all from these open-ended and in-depth interviews.⁵⁶

4.2. Profile of the claimants

It should be noted that the claimants who I interviewed for this study are in most cases the perceived “family spokespersons” within the household who lodged the claim and were regarded by household members as the right persons to speak on behalf of the family. They thus provided the information in relation to the claim lodged by the respective families. It should however be noted that although I had a formal component to my methodology, I conducted interviews over a period of time and hence, my interaction with the claimant families was not confined to the formal in-depth interview only.

In all cases the respective claimants were regarded as the household head. In two cases additional family members were present, who contributed to the interviews. They were only

⁵⁶ Unfortunately no information was collected on the current owners of the properties from which the families were removed, except in the case of the Osman family.

present during the formal in-depth interview session. In the interview with the Alexander family, Mr. Alexander, the primary male interviewee, was accompanied by his female cousin, Jenny Leon, who, according to Mr. Alexander had greater knowledge of the family history than he did. He was responsible for lodging the claim to various family properties in and around urban Stellenbosch. In the interview with the Osman family, Mr. Osman's wife was present in order to aid him in the interview process. Mr. Osman was in charge of the family claim from the beginning. In one case, that of Mr. Matthew Jacobs, the person who was interviewed was not the primary claimant at the time the claim was lodged. His father, also known as "Boeta" lodged the claim. When he died, Mr. Matthew Jacob's eldest brother became the primary claimant. However, in February 2009 his brother died and Mr. Matthew Jacobs became the primary claimant for the Jacobs family.

The seven people I interviewed in-depth about their claim experience were between the ages of 51 years and 75 years, and fell into the category "coloured" (as per the Population Registration Act of 1950). Of the five primary claimants, four still reside within Stellenbosch and one in Wynberg, a suburb of Cape Town. Of those claimant families in Stellenbosch, three reside in the former coloured group area of Idas Valley to which they were relocated, while Mr. Osman was however, never removed from his original house, against which his claim was lodged (the Osman family were not physically removed from their home, but their property rights were taken). While he is now a tenant in his own home (now owned by Stellenbosch University, as described further below), the other four claimants all own the houses in which they now reside (in Idas Valley and Wynberg). Four of them are pensioners; while one is still working.

Four of the five families participating in this study are still in the process of having their claim(s) settled; only one, that is, the Toefy family, had their claim settled, in this case through financial compensation.

4.3. Family profiles and family narratives

In this section, I provide a profile of each of the claimant families who participated in the study in the following order: the Osman family, the Jacobs family, the February family, the Toefy family and the Alexander family. The profiles start with a present-day picture of the claimants' circumstances followed by an account of their respective family histories, the reasons for their claim and their perceptions of the restitution process. Each case study is followed by a brief discussion, with the main threads picked up in the next and final chapter.

4.3.1. The Osman family

As of October 2009, the Osman family claim, reference number O96, had yet to be settled. The Osman family claim is to Erf. 69 on Bird Street, a property which they used to own, in which they are still living, but which is now owned by Stellenbosch University. The claim was lodged on 18 October 1995⁵⁷ (CRLR, Western Cape Office). The form of settlement chosen by the Osman family is to secure their property rights and have ownership of the land on which they have resided as tenants since 1962 (the beginning stages in the implementation of the Group Areas Act). At the time of finalising this thesis, the Osman family claim had been settled.⁵⁸

Mr. Osman was eager to get his story told and to know that someone was there to listen. It should be noted that Mr. Osman, at the time of the interview, suffered from short-term memory loss, therefore Mrs. Osman was present to help him. Mr. Osman did however; make the primary contribution in terms of conveying his family narrative, with Mrs. Osman's role to jog his memory on the last point he made.

Mr. Osman has lived in his house on Bird Street all his life. He and his wife have raised three daughters, two of whom still live in the house. One has a son who also lives in the house and one

⁵⁷ Land Claims Commission Office (Strand Street, Cape Town). (April 2008). Data base of urban land claims still in the process of being settled.

⁵⁸ It was settled in by means of land restitution (i.e. a development claim).

who is married and living with her family. As a source of income, the two daughters living in the house help their mother by selling second hand clothes from the house on Bird Street. The Osman family have lived in Bird Street pre – and post – the proclamation and implementation of the Group Areas Act in Stellenbosch in the year 1962. In other words, with the implementation of the Act they were not removed and relocated like many others from Stellenbosch town, but their property rights of ownership were taken away. According to Mr. Osman, their house was located on a stand under the ownership of Stellenbosch University. Furthermore, he says that the university had no specific plans for their property post-implementation of the Act and thus they were allowed to lease their house as tenants. He attributes this to his standing in the community:

Our family could stay because the university that took the property over; I was a well known figure in the community and agreed that we could stay and pay monthly rental, they had no use for the property then (Interview, Osman, June 2009).



Picture 3: Osman family house, Bird Street, Stellenbosch (2009)

Their house, as seen left, is located in the area previously known as “du Toitsville.”⁵⁹ Du Toitsville was located on the outer perimeters of *Die Vlakte*, near present-day Du Toit’s railway station. Their house, municipal in character with its green rooftop, is located walking distance from Du Toit’s station and surrounded by small community-operated superettes and fuelling outlets.

⁵⁹ As stated in Chapter 2, Background of Stellenbosch, du Toitsville was located near Du Toit’s station near the bridge separating present-day Kayamandi (previously, black township) and Cloetesville (previously, coloured township).

Mr. Osman recalls life before the Group Areas Act as one in which they had an amicable relationship with their neighbours in *Die Vlakte*. The community was an integrated one. According to Mr. Osman, “Life was good and safe. People from different cultures and religions lived together... we had such wonderful relationships, we shared everything and had knowledge and respect for everyone’s beliefs.” Mr. Osman’s recollection does not, however, highlight the social ills reflected in Fransch’s (2009: 96, 122) researches which were prevalent in the area. Mr. Osman’s view could have been influenced by the fact that he was not physically removed from his house, and therefore, his dispossession was more of a loss of ownership to his land than removal and relocation from the land.

In contrast to life before the Group Areas Act, Mr. Osman’s general description of life for his family after the implementation of the act emphasised the situation of confusion and the tearing apart of communities. According to Mr. Osman, when asked to describe the phase during and after the implementation of the Group Areas Act, “Everything changed. We were forced out of our houses and properties because of Apartheid.” The latter illustrates that although he was not personally physically relocated, Mr. Osman still identifies with the community of *Die Vlakte* when he states that “we” in relation to the removals. Furthermore, Mr. Osman says that, “Everything was then so confusing. Communities were forced to move to places they do not even know about, and out of Stellenbosch. They had no choice and say in this matter. Happy and peaceful neighbourhoods and neighbours were being torn apart.”

These kinds of stories of loss and dispossession, according to Fay and James (2010: 52) “... strengthen the claimants’ resolve as to the legitimacy of their claims, and strategically position themselves in a wider social discourse.” Furthermore, they are of the opinion that “such stories position claimants as particular kinds of person or groups of people, able to fit into the categories of eligibility of a particular restitution policy” (Fay and James 2006: 13 and Fay and James 2010: 52). In this way, “... land restitution ... brings the past into the present (Fay and James 2010: 41).

When asked why he made a claim to restore his property rights, Mr Osman's reply captures the importance of both history and memory in his understanding of his property in the life of his family:

We will go to the land claim act route to get the property on my name ... this will carry over to my children and then to their children ... we lost so much time and memories in the process and even to get the property back won't heal the wounds. Damage has been done ... I will close my eyes one day with the memories still fresh in mind (Interview, Osman, June 2009).

Mr. Osman stated that he made the claim because he wanted to get closure on the unhappy episode and for his children to reap the benefits of the claim lodged. In addition, he stated that his family feels good about the land claim. At least we would get closure about this unhappy episode and our children would reap the benefits that belong to them." Unlike some other claimants, he appears more resigned to the slowness of the land claims process in which he is involved, possibly because he is already living in the house under claim. He emphasises the slow progress of the claim and that it has taken too long, but also expects a positive outcome:

The land claims process - we have started the land claims many years ago ... it was long and slow process and still is, but at least we will be helped at the end of the day ... I wish that it would be soon (Interview, Osman, June 2009).

In Mr Osman's account one can see how, on a "symbolic level, the restitution programme plays a crucial role in terms of how it defines the significance of the past in present day South Africa" (Bohlin 2007: 125). As described by Gieryn (2000: 465), Mr. Osman's notion of place was "... interpreted, narrated, perceived, felt, understood and imagined." In his response, he refers specifically to the memories that were lost after the removal of their property rights, the memories of a house which had changed from one which belonged to them to one in which they

were tenants having to pay a monthly rental fee. In providing this historical account of the effect of the Group Areas Act through his narrative of being a victim of dispossession (Hall 2010: 33-34) and identifying with the community of *Die Vlakte*, Mr. Osman thus identified himself with the “nationally recognised category of victims of forced removals” (Bohlin 2007: 122).

In this respect, Mr. Osman’s memory was thus “... prodded more urgently about removals” (Mesthrie 1997: 40). Here one can see him positioning himself in relation to a collective memory that accommodated his individual demand for a usable past (Baines 2007: 175).

4.3.2. The Jacobs family

As of October, 2009, reference number J88, the Jacob’s family claim had yet to be settled. They lodged their claim on 18 March 1996 for Erf. 2530 and Erf. 740.⁶⁰ In this case the family is claiming the actual restoration of their land, not financial compensation. The property is near the church in Borchers Street in *Die Vlakte*. At the time of finalising this thesis, the Jacobs family claim has yet to be settled.

As already noted, the first Jacob’s family member to lodge a claim was the late Mr. Jacobs Senior. Initially, I was scheduled to meet with the eldest son who took over the claim upon the death of his father. Unfortunately, he died before I could meet with him, in February 2009. Thus, I interviewed his brother, Mr. Matthew Jacobs, who had become the primary claimant upon the death of his eldest brother.

Despite the fact that Mr. Matthew Jacobs was initially primary claimant, at the inception of the lodgement process, when his father died, he [Matthew Jacobs] decided not to continue his involvement in the land claim process. He recounts his decision thus: “*Maar toe my pa sterf, toe wil ek nie ... toe worry ek ook nie meer verder nie* [But then when my father passed away, then I

⁶⁰ Regional Land Claims Commission Office (Strand Street, Cape Town). (April 2008). Data base of urban land claims still in the process of being settled.

did not want to ... so I did not bother further] – in the year 1996. Mr. Matthew Jacobs then recalled that his eldest brother took over as the primary claimant and family representative. “*One person, een persoon moet onderhandel*” [One person, one person should take up the negotiations]. In his view there should be only one claimant. However, as previously stated, when his brother passed away he once again became the primary claimant. Despite his reticence to press the claim formally, he was very pleased to reflect on his experiences.



Picture 4: Jacobs family house, 17 Baker Street, Idas Valley, Stellenbosch (2009)

Mr Matthew Jacobs (hereinafter referred to as, Mr. Jacobs) and his family currently reside at 17 Baker Street in Idas Valley, which can be seen in the photograph on the left. Mr. Jacobs owns a taxi company which provides a commuter service for residents from Idas Valley to Stellenbosch town. His wife is a pensioner who lives with him in Baker Street. Their socio-economic status can be described as middle-class. Their children have moved out of the house

and live in their own homes.

In his response to a question about life in *Die Vlakte* before the Group Areas Act, Mr. Jacobs described a dense, well-resourced and ethnically diverse neighbourhood with strong family networks. The Jacobs family had three houses in Borchers Street: one for their father, one for Mr. Jacobs’ sister and one that they rented out to others. These three houses were located behind the church. Their neighbours on the one side were white people. As Giliomee (2007: 107) states “In Borchers Street, parallel to Banhoek Road, white and coloured people lived side-by-side.” Mr. Jacobs goes on to describe the area. There was a little shop on the corner owned by a Muslim family, where they used to buy their goods and sweets. On the corner of Borchers Street there was a dairy. On the other side there was a barber and the Hendricks had a fish shop

on the corner – all the shops owned by coloured people. On the corner of Borchers Street there was a garage owned by the Arnolds (which was on land owned by the Alexander family, another claimant family in my study) as well as the Gaiety bioscope, which was also owned by a coloured man. The places Mr. Jacobs describes here can be found on the map of *Die Vlakte* provided in Chapter 3. In the rich detail of his account one can see Gieryn's (2000: 467) notion that all social phenomena are emplaced at work. In the framework of restitution, the concrete objects – land is juxtaposed with the abstractions about Mr. Jacobs, past social relationships.

Mr. Jacobs mentioned that before they were removed from their houses in Borchers Street, their father made sure that houses were provided for his children. He was able to secure houses for all three of his children.

Before the Group Areas Act, according to Mr. Jacobs:

There was no apartheid. I did not grow up in apartheid ... I was not born in apartheid. I was born in a free land. We played together, white, black, and brown. We play with whites ... whites, blacks and coloureds ... we play together (Interview, Jacobs, July 2009). *Daar het wit, swart en bruin saam gebly in daai Die Vlakte* [White, black and coloured lived together in *Die Vlakte*]. (Interview, Jacobs, July 2009).

Furthermore, Mr. Jacob's recalled that in Andringa Street, which was adjacent to Borchers Street,

Alles was daar in daai straat, skoenmakers, tailors ... alles was daar. Op die hoek van Merriman Laan en Andringa straat was Fordy se twee winkels, die Al bottel store met die rooi jard. Kara se winkel was daar. Daar was klomp ... ons het 'n restaurantjie gehad ... Cosy Corner, dit was op die hoek van Banhoek [Everything was there in that street, shoemakers, tailors ... everything was there. On the corner

of Merriman Lane and Andringa Street were Fordy's two shops, the A1 bottle store with the red yard. Kara's shop was there. There was a lot ... we had a small restaurant ... Cosy Corner that was on the corner of Banhoek] (Interview, Jacobs, July 2009).

Again, all the places mentioned by Mr. Jacobs above, can be found in the map of the area in Chapter 3. Mr. Jacob's memories of his life in *Die Vlakte* are consistently a better, happier time than in the present. He emphasises the harmony and sense of community:

Daar het ons saam gebly ... daar was dit lekker ... die kerk was daar ... my pa was 'n oudeling in die kerk ... dan se hulle, dus Bannie se kerk. He owns ... like he owns the church. Every Christmas tye kom al die kinders ... hulle kry presente ... maak nie saak of jy 'n Moslem of wat jy is nie ... jy kry 'n present. So het ons in mekaar gewees daar [We lived together there ... it was nice ... the church was there ... my father was an elder in the church ... then they say, it's Bannie's church. He owns ... like he owns the church. Every Christmas all the children ... they received gifts ... does not matter if you are Muslim or what you are ... you get a gift. That is how close we were there] (Interview, Jacobs, July 2009).

In talking about life before their removal, he notes how central they were to the life of the town: “*want jy was lekker in die dorp, jy was naby alles*” [because you were happy in town, you were near to everything]. Similarly, he states that “*Jy't in die dorp gebly. Jy kan gestap het na 'n winkel toe*” [you stayed in the town. You could walk to the shop]. With regard to the race relations between white residents and former-coloured residents of Stellenbosch town, he said:

Well, daar is mense wat seer gekry het, maar het nie uitmekaar uitgespat, soos vriende nie, you know. Kinders ... vriende wat ek meer saam groot gewoord het ... ons ken vandag nog altyd ... ons groot

mekaar. Ons ken mekaar. Ons ken mekaar, ons het saam daar gebly ... that's the thing [Well, there are people that got hurt [emotionally], but they did not become divided, like friends for instance, you know. Children ... friends that I grew up with ... we know one another today still ... we greet one another. We know each other. We know each other, we stayed there together ... that's the thing] (Interview, Jacobs, July 2009).

The Jacobs family were removed from their house in Borchers Street in 1961. My informant recalls the experience with bitterness:

Taken away everything from you. Everything they take away. *Jy moet kom ... hier kom bly ... ons ken miskien nie mense nie ... jy moet weer van oor begin, mense leer ken* [You must come ... come live here ... we maybe do not know people ... you have to start from over, get to know people]. You had to rebuild. They taken away everything of you. It was bad. You had to rebuild (Interview, Jacobs, July 2009).

Furthermore, “they break it down ... *net so ... al daai pilare wat jy op gebou het, breek hulle net so af*” [just like that ... all those pillars that you have built on, they broke off just like that].

According to him, the Jacobs family were responsible for the transportation of their household belongings to Idas Valley. As he says, “Your responsibility. *Hulle gee jou die tydperk ... jy moet die einde van die maand uit wees*” [They give you the timeline ... you must be out by the end of the month]. Mr. Jacobs makes an interesting point when he reflects on how Stellenbosch would have developed and expanded [economically and with regard to the diverse social nature of the area] had the people of *Die Vlakte* still been living in town,. Then he continues: “but now, they were taken away there and placed in another part of the town, or whatever ... and they had to start again from scratch, you understand. That is what makes you so mad.”

Mr. Jacobs's narrative of forced removal is very similar to that of Mr. Osman, but is also vividly individual in the telling. In this way, the master narrative [of restitution] provides room for individual agency, as it "... provides the framework through which individual stories gain wider meaning" (Eyerman 2004: 162).

The Jacobs family was offered R2000 for their house in Borchers Street, before they were moved to Idas Valley and Cloeteville. If the Jacobs family did not take the two thousand they were offered, they would have been left with no financial compensation; in the words of Mr. Jacobs: "*hulle se, vat of ons oneien jou* [they said, take it or we take your property]." When they were moved to Idas Valley to rebuild their lives, the R2000 did not go very far. In order to build their "new" house in Idas Valley, the Jacobs family had to secure a loan.

The Jacobs family's decision to lodge their claim to the land in Borchers Street from which they were removed was influenced by the settlement awarded to the Hendricks family. In this decision the issue of financial gain was significant:

Hendricks het mos gese hulle het hulle geld gekry van hulle grond, you see [Hendricks said that they received money from their land, you see]. That what motivated my father to say, okay, if they [Hendricks family] can get that money, why I can't get the money. So we said, okay, we go on with the case (Interview, Jacobs, July 2009).

Originally the Jacobs family opted for financial compensation for their previously owned property in Borchers Street. In this regard, Bohlin offers additional explanations for decisions around financial compensation, including the problems of the slow process itself.⁶¹ Some would argue that opting for financial compensation rather than the actual land has less significance. In contrast Bohlin (2004: 675) would argue the meaning of financial compensation has become less

⁶¹ According to Bohlin, "people would have chosen land options had these claims been processed faster, irrespectively of other reasons for choosing cash." In reference to the claimants' choice for cash as a result of the "diminishing faith in the process" and that "cash seemed a safer option."

about the monetary value, but more about belonging and place [home]. Thus, the Jacobs option for money should not be discussed at a superficial level. In line with this, the Jacobs family could have opted for this form of settlement because “... they did not wish to be dislodged from their current areas of residence where they had re-established themselves as communities” (CRLR 2008: 29). There should be no preconceived suggestions as to the decision for settlement without thorough investigation of the option selected.

However, subsequently the Jacobs family changed from their initial decision of financial compensation to the land, when they became aware of the option to claim land. As Mr. Jacobs said, in relation to his late father, “*dit het vir hom [sy vader] gemotiveer dat hy sy grond kry ... sy grond lê ook nog daar* [it motivated him (his father) to claim his land ... his land is still there]. Financial considerations to do with the value of the actual land under claim appear to be a factor as well. During our interviews, Mr. Jacobs indicated that he and his family are deeply disturbed by the clause which prohibits the family from any form of development on the land for a period of ten years. The Jacobs family will therefore get the land back, but it can only be used for residential and not development purposes for the stipulated time period.

Like Mr. Osman, Mr. Jacobs feels that the restitution process is “a bit slow.” But he is far less resigned to the process than Mr. Osman. In addition to concerns about the slow restitution process, Mr. Jacobs is suspicious of the process. When he was still claiming financial compensation, he was anxious that the officials would try to defraud him of the actual value of his dispossessed land (hence, his money) – that they would offer them less than the land was actually worth. He is convinced that “they” “want to do you in man, you see. *As hulle vir jou kan in doen, dan doen hulle vir jou in* [If they can con you, then they will do it].”

Like in the case of Mr. Osman, Mr Jacobs recalls a Stellenbosch that was harmonious, where relations between different groups of people were amicable and everything was nearby. However, despite these memories, in lodging their claim the Jacobs family are not simply looking to the restoration of the past but see a potential financial gain in the development of their land once it has been restored. Mr Jacobs is frustrated by the restrictions on this. This financial motivation in

lodging their claims is not divorced from their sense of belonging and memory. As Bohlin (2004: 675) has argued when speaking of restitution in South Africa, “the decision to choose monetary compensation [is] was also related to specific experiences of place and belonging.” While the desire to develop the restored land could be seen as reflecting the commodification of memory, Bohlin (2004: 683) notes how “... money has been given meanings in creative and open-ended ways, often becoming about home and belonging.”

As Walker (2010: 193) stated that “in many land claims the narratives have been about the loss of more than the land. It has been about the nostalgia for the almost mythical idealised and romanticised community that was lost.” Claimants often relay narratives of the past as a better, happier life. However, it is these narratives of a better life coupled with the disruption caused by the Group Areas Act and how this has transformed them into victims of removals and dispossession, that serve to strengthen their claim to land and secure their position as land claimants within the new formed imagined community.

4.3.3. The February family

As of October, 2009, the February claim had yet to be settled. They lodged their claim on the 28 April 1996 for Erf. 2522, claim reference number F66.⁶² At the time of finalising this thesis, the February family claim has yet to be settled.



Picture 5: February family house, 63 Rustenberg Street, Idas Valley, Stellenbosch (2009)

Mr. George February was the primary claimant interviewed. He lives at 63 Rustenberg Street in Idas Valley, which can be seen in the photo on the left. Mr. February and his wife are both pensioners. They have one son who spends his vacation at home. Their son works on a cruise ship and returns home every couple of months. The house was built by Mr. February's father and he now owns the house.

Mr. February has a collection of legal documents relating to the claim which he was able to draw on in our discussions. Mr. February was born in 1936 in Stellenbosch where the medi-clinic is situated at present, near to the river, or what he refers to as the "oewers." The February family also lived near the Rhodes Cottages, the owner of whom, according to Mr. February was Cecil John Rhodes himself. In 1946 the family moved to Borchers Street where Mr. February's grandparents lived, further down the street from their house. (Mr. February dated the move to Borchers Street from a copy of the expropriation notice served to the family, which he read out loud to me). The house in which the February family lived in Borchers Street was quite big, as was the family, which consisted of Mr. February's father, mother and seven children. There were

⁶² Land Claims Commission Office (Strand Street, Cape Town). (April 2008). Data base of urban land claims still in the process of being settled

four bedrooms, a big dining room and a lounge. The house was extended further at a later stage. Mr. February's father was a teacher at Weber Primary School in Lansdowne, at the time they still lived in Borchers Street.

When asked what life was like before the implementation of the Act, Mr. February reiterated themes raised by the previous two claimant families:

It was known as *Die Vlakte* hey, and we ... everybody knew each other. And it was a close community ... close (Interview, February, September 2009).

Once again we are given a harmonious picture of a close-knit community; a picture of a better, happier time (Fay and James 2010: 44). In the same street was the Gaiety Bioscope and the Volkskerk while the Hendricks family had "a nice shop there" on the other side of the street. Further up the street was the Anglican school and Luckhoff High.

The February family was removed from their house to Idas Valley on 17 January 1969. Mr. February said that he was in Standard 3 at the time, while his father was 62 years of age when they were removed. When asked how they were moved from Borchers Street, he replied:

Well, we had to see to our own. How it was taken away with trucks and so on. We usually ask somebody who's ... there were people dealing with vegetables, you know ... and that type of thing. They had trucks there near the river where we stay ... they took all our belongings (Interview, February, September 2009).

One of the effects of the removal was to disrupt social bonds. After the Act came into play, he recalls that, "We were just spread out. We lost contact with most of the people." From the close community before the implementation of the act, the community was torn apart and spread out.

In this memory, Mr. February's recollections are similar to those of the Osman and Jacobs families.

Fortunately for the family, Mr. February's father had purchased two plots in Idas Valley a while before the proclamation and implementation of the Group Areas Act. These plots were located in Kahler Street in Idas Valley and had been purchased from Mr. February's mother's aunt. According to Mr. February, when his father bought the plots in Idas Valley, people joked and wanted to know "do you want to live in the bush?" Mr. February was the primary claimant when he lodged the claim in 1996. His father and mother had already passed away. When asked why he had lodged the claim in 1996, Mr. February read out what he had provided the Office of the Regional Land Claims Commissioner on his claim application form. It stated:

Wat is die basis en motivering van die eis? Eienaar was verneerdig en gekryk deur oneiening. Was gedwing van af eiendom en woning wat ten volle betaal was. Onreg is aan eienaar gepleeg. Hele gesin het gelui as gevolg aan onreg aan eienaar. Op ouderdom van 62 moes eienaar weer van vooraf vir sy gesin huis gebou. Die gesin was van die middeldorp verwyder assok van werkplek. Hele gemeenskap lewe was nadelig geaffekteer. Eienaar gewoon aan groot erf en woning was gedwing om hom aan tepas by 'n baie kleiner erf en woning. Die hele gesin was finansiele ... finansieel erg genadeel" [What is the basis and motivation for the claim? Owner was humiliated by disownment. Were forced from property and home that was fully paid. Injustice was done to the owner. The entire family suffered due to the injustice that was done to the owner. At the age of 62 the owner had to rebuild a house for his family. The household was removed from the centre of town as well as the workplace. The entire community was negatively affected. Owner was used to a big plot and home and was forced to get used to a smaller plot and home. The entire household was financially disadvantaged] (Interview, February, September 2009).

In this account Mr. February conveyed the key points of the master narrative of dispossession or removals. The February family initially wanted financial compensation. But after a meeting which was held in the community centre in Idas Valley in mid- 2000, they were informed that they would be able to choose between land and cash. According to Mr. February, because the amount the Commission was willing to pay in financial compensation was so small, they decided that it would not be worth it and hence, opted for the restoration of their land as their form of settlement. Mr. February indicated that the amount that the Commission was prepared to offer in cash was the Standard Settlement Offer of R40 000.⁶³

When asked what his opinion is on the land claims process, Mr. February responded angrily: “I am disgusted! We’re still waiting” (Interview, February, September 2009). Furthermore he indicated that perhaps the February family should “make a fuss” in order to see any results or expediency in the land claims process. Because you must make a sort of a fuss ... you must go in and face them. Maybe it will ... it will ... make it quicker to settle.”

⁶³ Hall (2010: 27) reports that the Standard Settlement Offer (SSO) for residential property were initially set at R40 000. In her study of claimants in Kalk Bay, Bohlin (2010: 125) similarly states that claimants were paid the SSO of around R40 000.

4.3.4. The Toefy family

By October 2009, when I interviewed Mr. Toefy, his family claim had already been settled through financial settlement in 2004. He was thus the only claimant among the five families that I interviewed to have completed the restitution process successfully.



Picture 6: Toefy family house, 31 Helshoogte Street, Idas Valley, Stellenbosch (2009)

Mr. [Imam] Toefy lives at 31 Helshoogte Street in Idas Valley, which can be seen in the photo on the left. He lives with his wife and his daughter. His daughter is not employed and Mr. Toefy and his wife are both pensioners. They moved to their present residence in Idas Valley from their previous home in Cloetesville as a result of the Group Areas Act in 1961.

At the time of my research, Mr. Toefy was the Imam of Stellenbosch, as was his father and grandfather. Born in Stellenbosch town and raised in 126 Andringa Street, opposite the mosque, Mr Toefy belongs to one of the most influential families within the Muslim community of Stellenbosch. Imam Toefy's grandfather, Imam Moestafa was the only Muslim Imam in the early years of Stellenbosch town.

The property in Andringa Street was owned by Imam Toefy's father. According to Imam Toefy, they also had a shop in Andringa Street, "Toefy's Cash Store." This can be seen on the map of *Die Vlakte* in Chapter 3, indicated by a black star. It was a family business which was owned by his father before being handed down to Imam Toefy. What he remembers about life in the shop is how his father always used to say: "*'n Winkel is 'n tronk met 'n oope deur*" [A shop is a

prison with open doors].” This was because his father was constantly stationed within the shop, in order to keep an eye on things.

From the house in Andringa Street, the family moved to a property in Borchers Street which his father had purchased, behind the Mosque. The house in Borchers was a huge farm house. While living there, Imam Toefy attended Wesleyan Primary School in Salt River for two years. He used to travel to school using the train. He recalls travelling in winter, “*in die winter is dit donker, jy kom donker huis toe* [in winter it was dark, you come home when it is already dark].” Then in 1953, at the age of fourteen, his father sent him to Mecca to be educated and to prepare him for the religious position of Imam of Stellenbosch.

When asked about life before the Group Areas Act, Imam Toefy also recalls the good relationships with white people in Stellenbosch and among Christian and Muslim:

Mooi. Die blanke, hulle het baie respek gehad ... baie respek gehad. Ek het nogal 'n mooi verhouding gehad. As iets verkeerd is dan gaan jy sommer straight na die persoon toe. En vra wat gaan nou aan [Beautiful. The whites, they had a lot of respect ... they had a lot of respect. I actually had a beautiful relationship with them. If something was wrong, you go directly to the person. And ask, what is going on] (Interview, Toefy, September 2009).

With reference to the relationship between the Christians and Muslims, Imam Toefy stated that:

Maar die lewe tussen die mense daardie tyd ... die Christene en die Moslems was baie mooi. En ons het respek vir mekaar op Die Vlakte [But the life with the people at that time ... the Christians and the Muslims was very nice. And we had respect for each other on *Die Vlakte*] (Interview, Toefy, September 2009).

He paints a picture of harmonious life in *Die Vlakte* that is imbued with nostalgia for the home of his childhood and a happier, better time (Fay and James 2010: 44). “*Dit was ‘n gelukkige lewe op Die Vlakte. Ons het gelukkig gelewe*” [It was a happy life on *Die Vlakte*. We lived happily].” His father was “Oud” Imam, or Senior Imam of the town and many Christians went to his father for domestic guidance and advice, including women seeking help to deal with their husbands who drank too much.

The Toefy family was removed from their house in Borchers Street in 1961. As Imam Toefy describes it, “*en toe sit hulle vir ons uit* [and then they put us out].” According to Imam Toefy:

Daar kom toe ‘n ou, ‘n boer, en hulle het mos nou opname gemaak, jy gaan Cloeteville toe, en so aan. Hy’t sy manne gahad daarso, en hy’t gese, een oggend, die straat moet gaan. Hy was ‘n terrible ou daai. Almal het hy net so notices gekry, hulle moet uit [A guy, a white man came and they did their survey; you going to Cloeteville, and so on. He had his men there, and he said, this street must go. He was a terrible man. Everyone got notices, just like that, they must be out] (Interview, Toefy, September 2009).

Furthermore:

Ek dink dit was erg gewees ... baie traumatic vir ons. Hulle het gekom soos ... ja ... ons regte weg gevat. Nie eers second class citizens nie ... hulle het gedink niks van ons nie, really. Hier was gewees ... hier was nog ‘n close community gewees wat hulle net so verwyder het uitmekaar uit. Ons het gelewe ... en die blankes het in Merriman Laan gebly, ons het so tussen hulle gebly. Dit was net ‘n mooi gemeenskap, very nice. Dit was ‘n treurskap in onse land. Tien geboue is net so omgegooi. Kom jy die oggend dan is die bulldozer daar ... dan is die geboue plat. Dan stort ek maar ‘n traan. Hier het ons gebly al die jare

[It was very difficult ... very traumatic for us. They just came like ... yes ... our rights were taken away. Not even second class citizens ... they thought nothing of us, really. Here were ... here was still a close community and they just scattered us all over. The whites lived in Merriman Lane, and we lived in between them. It was just a beautiful community, very nice. It was a tragedy in our land. Ten buildings demolished just like that. Come in the morning then the bulldozer is there ... then the buildings are flattened. Then I shed a tear. We lived here for years] (Interview, Toefy, September 2009).

As with the other claimant families I interviewed, the family had to take responsibility for the transportation of their household belongings from Borchers Street to Lang Straat in Cloetesville, to which they had moved from *Die Vlakte*. Life for the family in Cloetesville was not one they were accustomed to. In Cloetesville, respectable people were mixed with “*duiwel groepe* [devil groups].” They lived alongside, what he referred to as “sub-economic” people. According to him these people were drunkards, foul-mouthed, gangsters and drug abusers. They were surrounded by “*suiker huisies* [drug houses].” At the same time, when he moved to Cloetesville, the municipality gave him permission to conduct business there. They gave him an old stall which he fixed. Imam Toefy stated that at that time there was no shopping centre and his was the first shop in Cloetesville – “*Ek was nou die enigste een gewees. Ek het begin die eerste huis winkeltjie. Ek was die eerste.*” [I was now the only one. I started the first house shop. I was the first]. However, after a couple of years, Imam Toefy decided that he was tired of the business and handed it over to his sister.

The Toefy family lived in Cloetesville for more than 26 years. His children attended Cloetesville Primary School and Cloetesville High School. However, the rise of gangsterism in Cloetesville started making their lives increasingly difficult. When they [gangsters] started threatening his children and family, the Imam decided that it was time they moved. He sold his property in Cloetesville and the Toefy family moved to Ou Helshoogte in Idas Valley in the mid-1990s.

Imam Toefy was primary claimant for their claim for the Toefy family property in Borchers Street. He lodged the claim in 1995 and they were paid out in 2004. According to Imam Toefy, they also received the Standard Settlement Offer of R40 000 for their property in Borchers street. Originally, the family wanted the land restored but then changed their award to financial compensation, because family members needed the money. When asked why he initially opted for the land settlement, Imam Toefy said that:

Die wet is so ... die wet is so gemaak dat jy moet gevat het die compensation option ... even as jy die grond wou gehad het. Ek mean ons het gebly tussen ... daar was almal blankes daai tyd gewees. Toe moet ons uit gegaan het ... uit die dorp uit. Ons het dan lekker gebly ... gebly [The law is like that ... the law is structured in a way that you have to take the compensation option ... even if you wanted the land. I mean, we stayed in between ... there was white people there. Then we had to move ... out of town. We lived happily there [in town] ... lived] (Interview, Toefy, September 2009).

Yet he also regrets the final severing of his claim to the town. Speaking of the area where he grew up he says:

Kyk daar is nou almal flatse ... daar is klomp flatse. Ek se ... ek se ... toe praat ek met 'n blanke ou ... toe se ek hier ... hier ... ek was gebore hierso. En die was onse property gewees ... kyk hoe staan dit hierso ... as hulle net vir my kan gee 'n flat [Look there are flats now ... there are lots of flats. I said ... I said ... so I was speaking to a white guy ... so I said, here ... here ... I was born here. And this was our property ... look how it stands here [the flat] ... if they can just give me a flat ... then I can be near to my Mosque. Near to my Mosque. We were in town, we did not have to drive to town] (Interview, Toefy, September 2009).

For him it remains a traumatic event to move out of your place of birth, “*dit was ‘n traumatic gebeurtenis om uit te trek uit jou geboorte huis* [It was a traumatic event to move out of your place of birth].” Imam Toefy feels that the officials did not want to give him the land and that they pressurised him to take financial compensation. Only a few claimants have actually got back their land. He had to go through a lot and the officials did not make things easy” “*O jene ... hulle het niks gemaklik gemaak nie*” [Oh my word ... they did not make anything easy] (Interview, Toefy, 2009). In Imam Toefy’s opinion the land claims process was “*‘n lang proses* [a long process].”

From the narrative provided by Mr. Toefy it is clear that his recollection is shaped by the master narrative of restitution. Through recalling a better, happier time while living in *Die Vlakte*, Mr. Toefy tells a story of removal and dispossession – a “traumatic event,” how their “rights were taken away” and how they were ill-treated. In this way, Mr. Toefy’s memory is shaped by the master narrative of restitution, and through telling his compelling story as a victim of removal and dispossession, he legitimises his claim and hence, positions himself as part of the newly formed “imagined community” of land claimants.

4.3.5. The Alexander family

The fifth family that I interviewed is the Alexander family, represented by Mr. Brian Alexander, grandson of the original property owner. By October 2009, the Alexander family claim had yet to be settled. They lodged their claims for five properties between January 1996 and 17 March 1998 (Erf. 2524, Erf. 2526, Erf. 2576, Erf. 6180 & Erf. 2539, with reference numbers A119, A521, A179 and A239).⁶⁴ The Alexander family were offered the SSO. However, they are still, to date (October 2010), awaiting the restoration of their land in Banhoek Road, land for which they refuse to negotiate. At the time of finalising this thesis, the Alexander family claim has yet to be settled.

⁶⁴ Land Claims Commission Office (Strand Street, Cape Town). (April 2008). Data base of urban land claims still in the process of being settled.

The Alexander family is historically one of the prominent coloured families who contributed to the social and economic development of Stellenbosch. According to Mr. Alexander, his grandfather's forefathers came to settle in Stellenbosch from the Isle of Java.⁶⁵ He admits that their original surname was probably not Alexander, but something close to it. At some stage, according to family history, their forefathers' bought a farm in Stellenbosch on top of the hill that looked down onto the graveyards. The farm was named „Australia' and, according to family history, had vineyards and orchards. No family member recalls what happened to the farm.

In the mid twentieth century, the family owned numerous properties evident from the number of plots upon which claims are being processed and/or were processed. Their prominence is recognised by Magaret Hoskyn, in her book, “*Stellenbosch Village 1920-1950*”, when she says, “... coloured families such as the Alexanders and Pooles owned land and property in Andringa Street” (Hoskyn, 1979: 45). Not only did the Alexander family own property within Stellenbosch town, their ownership included property in Observatory in Cape Town and a farm in Eersterivier (Eersteriver). The property with which this interview dealt was Mr. Brian Alexander's⁶⁶ grandfather's residential property in Banghoekweg (previously, Banhoekweg), and partly their farm in Eersteriver.

The extent of their properties was captured by Mr. Alexander when he said that “*Die Vlakte* yes, that is where we lived ... opposite the Dennesig Post Office... there was more than one, but the other houses were rented property ... my grandfather rented those properties out. There was a house in van Ryneveld Street, there were houses in Andringa Street, and there were houses in Muller Street.” The property in Banhoekweg had thirteen garages, and in the middle there was a tennis court. It is this property which the Alexander is adamant should be returned to them. This is the land which is “closest to their hearts” and on which they are not prepared to negotiate a financial settlement.

⁶⁵ This attests to Stellenbosch as an immigrant town with its “birth mothers and birth fathers which were of African, European and Asian decent” (Giliomee 2007: 15).

⁶⁶ Hereinafter referred to as, Mr. Alexander.

Some of these houses were rented out to white people. When asked how life was in Stellenbosch town before the Act, Mr. Alexander gives a response that was unlike the other claimants I interviewed. He described life before the implementation of the Group Areas Act. “A normal life, you know. It’s the way people live. If it is enjoying the fruits of what he has sown, then so be it, you know.” In other words, he does not romanticise their previous life. However, he concurred with the other claimants in that “everybody knew everybody” in Stellenbosch.

Yet despite his claim to an ordinary life, the memories Mr. Alexander holds speak to the exceptional prominence of his grandfather in Stellenbosch town. He said that “because of my grandfather’s involvement in town. Everybody knew him. Now you can think he was called *Oubaas* by most of the people in Stellenbosch.” Even his own family members called him Oubaas. Oubaas owned three shops. One was on the corner of van Ryneveld and Banhoekweg, one on the corner of Merriman Lane and Andringa Street and one was in Dorp Street. These were general stores where people bought clothing, material, pots and pans. There was also a bazaar at the bottom section going up to Kayamandi, which was known as “Alexander’s Bazaar.” Mr. Alexander said that on Saturday mornings the farmers brought their workers in and dropped them at the shop. On a Friday night they used to go with one of their grandfather’s workers and a van which his uncle converted into a shop with shelves – and got permission from the farmers to sell items to their workers. The property on which the McDonalds and BP fuelling station at present-day is built, was the property on which the Alexander Hall was found. It was a huge hall with an upstairs section and with units that his grandfather used to rent out.

According to Mr. Alexander, Oubaas had eight children, four sons and four daughters who lived in his various houses. “But ja ... there were family members living in those houses, ja” and all the property was owned by the Alexander family. Not only did Oubaas own numerous properties and was involved in the social and political life of Stellenbosch, he had also established his own taxi service. According to Mr. Alexander,

The way I understand it ... that’s why the road from the station straight up to the university is Alexander Street. And the history goes

is that my grandfather started ... then started the taxi service with cab and horse. And he used to transport the students up to the university and back. And then that ... that developed and grew from horse and cart into motor cars.

According to Mr. Alexander, Oubaas was the first man in Stellenbosch who owned a car, a telephone in his house and a refrigerator. Sunday night's concerts were held at Oubaas' house in Banhoekweg. Mr. Alexander's father and his sister used to sing, whilst his other aunt, who was a pianist, would play songs such as, Ave Maria and Jerusalem. According to him, when the farmers used to collect their post out of the post boxes at the Post Office, they used to stand and listen to them sing.

The farm in Eersteriver has an interesting history inasmuch as Mr. Alexander's grandfather was approached by the municipality to establish a native location on the farm – “they came to him to house migrant labourers.” Mr. Alexander further states that it was like a location, and those who lived on the farm paid rent to his grandfather. This farm is located in present-day Strafford Avenue near Electric City in Blue Downs. Mr. Alexander is uncertain as to what the farm's name was but remembers a pool, swings, kitchen, and a tennis court before it became a township. On Sundays, the children used to go to Mr. Dreyer, the caretaker of the farm, where they used to get honey. According to Mr. Alexander, the Land Commissioner's office said that they cannot claim for this farm because they received adequate compensation, but in Mr. Alexander's mind they had obviously sold the farm under duress.

Oubaas died in the year 1958 and the Alexander family was removed from their houses in 1966. They too had to get their own transportation to get their household items out of their houses. When asked about the impact on the family, Mr. Alexander said:

No, if you ask what it did to us, it devastated us. Our life ... going from a particular ... not a lifestyle ... no, one should not call it that ... but what we were accustomed to. And what we have now is no

comparison. No comparison. We were broken up. The family's scattered (Interview, Alexander, September 2009).

Elaborating on the Alexander family history, Mr. Alexander states that some family members moved to Swaziland, others to Zambia and others to Australia. Although Mr. Alexander described life as simply ordinary before the implementation of the Group Areas Act, his stories of the process of dispossession have much in common with those of the other claimant families who participated in this study. He recalls how one of his uncles who had bought a house in Idas Valley refused to drive through the area where they had used to live:

It's terrible. It was ... sad. I can remember, I used to travel with my uncle to school. And then he never used to drive past there where he lived, because he lived two streets away from us. He never wanted to go through town; he went straight up Merriman Avenue. "Don't even look that way," he said, "I can't" (Interview, Alexander, September 2009).

The heartache he expressed is reminiscent of the reference by Fay and James (2010: 41-42) to what they describe as "... nostalgia for the lost rootedness of landed identity ..."

When I interviewed Mr Alexander, they were still in negotiations about one of the properties under claim, land on the Banhoek Road, which they wanted restored. The claim was one of the first to be lodged, in 1996. Mr. Alexander highlighted that for the other properties for which they had lodged a claim they received financial compensation in the amount of R40 000 (the SSO). According to him "all the people I know of ... that I know, also went for the reclaim ... all got the same. It's one fee, it's all the same. It's one" (referred to in, Hall 2010: 27).

Mr. Alexander highlighted the ten-year clause mentioned by Mr. Jacobs as well. According to him you cannot sell the ground for ten years, but you can develop it immediately. "They give you fifty percent of the valuation of the property as a kick start for the development programme,

you see. They also pay for the transfer of the property and so on and so on. Which is of course costly if people don't have the money."

When I asked Mr. Alexander why he lodged the claim for the land in Banhoekweg, he said that:

We wanted to get something back. Something that was part of us. You know that ... I don't think so much in monetary terms ... in valuation ... it's not that, it's not that. It's sentimental. We all decided that even when we do get anything out of this exercise, there would be some remnants that we would be able to pass on to the children. But we insisted that from the day go that particular ground where we were born from, we not going to concede from anything but the return of our land (Interview, Alexander, September 2009).

He told me that when the Commissioner's office asked him why he wanted the land, he replied:

It's my bloody land! So, we said to them, we've come here to restore our dignity, man. Don't ask me about what I'm going to do with the land. We are coming here to restore the dignity of our children and for the heritage of our children (Interview, Alexander, September 2009).

Mr. Alexander lodged the claim because of the sentimental value the land holds; the memory which is attached to the land. It is this memory of the land which has been shaped by the restitution process itself. Instead of making the claim for land based on the monetary aspect, the Alexander family lodged their claim to "get something back ... something that was part of us [of them]." Mr. Alexander said the claim is "sentimental."

With reference to the properties they received financial compensation for, Mr. Alexander stated that:

We took monetary compensation for those properties here and there because of the exercise ... because there's other people that own it now, you know the laws and so on and so on, there's nothing we could do (Interview, Alexander, September 2009).

But when going back to why he lodged the claim for land in Banhoekweg, he said:

But this particular area ... Stellenbosch per se is closest to our heart and it's not going to be taken by nobody but us (Interview, Alexander, September 2009).

As the latter quote shows, people's ideas about property originate "... in a complex dialogue between themselves and the broader legal discourse used within the state. They assert, contest or modify their ideas on their right to be recognised, hold property, and be governed, in interaction with the broader social world" (Fay and James 2010: 49). On a symbolic level, the restitution programme plays a crucial role with regard to how it defines the importance of the past in present day South Africa (Bohlin 2007: 125).

Mr. Alexander was extremely vocal on the land claims process generally and land claims officials specifically. In his opinion the land claims process forces you to take what they give, and that's all. When they were settling for financial compensation, he stated that "they think they giving you ... they so cheeky up there ... they think they giving you half a million each. We had a hard time." He continued:

We just learned that this is a bunch of stupid f.... people that we dealing with here. Because you could see ... even now, looking at it further down the line at how inhumane people could be man, coupled with ignorance (Interview, Alexander, September 2009).

Speaking of the length of the process, Mr. Alexander said that in the sixteen years “that we were busy in the land claims, two, three of them have passed away [referring to family members].” According to him his vehicle could probably travel to Cape Town without him being behind the wheel. He would visit the Land Commissioners office in Cape Town twice, at times, thrice a week. Within the course of the claim, the Commissioner’s office lost all of their documentation twice. When the documentation was lost, Mr. Alexander had to get each and every family member involved in the process, to resubmit all documents lost – sworn affidavits, etc. According to Mr. Alexander, “We had to find each and every soul [family member] that we knew was involved in the claims process” and the difficulty with correlating the information as some family members are located overseas. Mr. Alexander had to explain everything to them from the beginning, and as he said, “we had to go through that exercise, painfully, once again.” According to Mr. Alexander, when you ask the officials questions, they “get aggro with you.” He said:

Like you coming cap in hand. Otherwise you sit there for the day, hey.
I used to complain when I used to go there. It’s below your dignity
man. They make you sit, they don’t answer you, they walk pass you.
If you ask them questions, then it’s like, I don’t know. Can you
explain to me? No, I don’t. Do you know when they’ll be back? No, I
don’t (Interview, Alexander, September 2009).

Mr. Alexander said that he got to a point when he did not want to be involved in the land claims process any longer, because he did not want to deal with the officials. “It’s almost like they were doing us a favour. It was like the money they were giving the family was their money.” In addition he said, “You were treated like a dog! [by the officials at the RLCC in Cape Town] Humiliating exercise!”

In speaking to life before the Group Areas Act of 1950, most of the claimants recollected a racially integrated, harmonious social life. And it is this recollection which is supported by the historical literature on Stellenbosch town, reviewed in Chapter 2. Claimants’ memories of the

life in *Die Vlake* paint a picture of a better, happier time before the implementation of the Act. This was the view of most of the claimants, except that of Mr. Alexander, who viewed life before the Act as a normal life, a life in which one reaped from the seeds of hard work sowed.

In reference to the impact of the Group Areas Act, all claimants highlighted the devastating effects of the Act in tearing the community of the *Die Vlake* and hence, friends and family apart. Claimants spoke of their removal, dispossession and displacement from the area previously known as *Die Vlake* to the peripheral areas on the outskirts of the town centre. In this sense, claimants were able to relay stories of dispossession and position themselves as victims of removals or victims of dispossession. In so doing, it illustrates how the five claimant memories of urban land in Stellenbosch are shaped by the master narrative of restitution, from which they, not only gain wider meaning, but from which they legitimise their claim to land. Through legitimising their claim, they thus also position themselves as part of the particular and newly formed “imagined community” of land claimants.

Chapter Five: Discussion and Conclusion

In my thesis I have set out to explore how the restitution process has not simply been shaped by the memories of past dispossession, but has itself shaped those memories, inasmuch as the process of lodging a claim requires a particular engagement with and representation of the past on the part of claimants. Drawing on the work of Halbwachs, Eyerman, Fay and James, I have shown how the restitution process creates a “new” imagined community of land claimants which remembers within the framework of collective memory. The master narrative of restitution shapes this collective memory and hence, individual claimant memories. Specifically, in my discussion on the theoretical perspectives of Halbwachs and Eyerman in relation to collective memory I have shown how even individual memories are located within the collective memory and in this way the individual memory gains wider meaning. I have also illustrated the collective memory being called on for the purposes of the present – in this case, for the purposes of the restitution process itself.

In this final chapter, I highlighted two key issues that emerged from my primary field work as well as my engagement with the literature on the history of Stellenbosch and the claimants’ perspectives on the land claims process. The headings assigned to these key issues (a, b) and others are as follows: (a) Claimant memory and the master narrative of restitution; (b) *Die Vlakte* as place: The making of place; (c) A new life; (d) Claimants and their perceptions of the land claims process.

5.1. Claimant memory and the master narrative of restitution

As discussed in Chapter 2, academic work on the non-material aspects of the land claims process has been limited (Dhuphelia-Mesthrie 2006: 7; 2010: 87 and Bohlin 2004: 672, 2007: 114). In her speech at the Harold Wolpe Memorial Trust Conference, Walker (2004: 1) stated that,

Politically it [land reform] has a sometimes latent, currently more prominent, always potent emotional and symbolic appeal in national debate about the future and the past; at the local level it resonates powerfully with those living on the margins, although the narrative of local-level redress regularly involves complications in the form of competing claims on specific pieces of land.

With regard to urban Stellenbosch and more specifically, *Die Vlakte*, no academic work has been conducted investigating memory among land claimants in the way my thesis does. My thesis can thus be seen as also responding to Bohlin (2007: 9) when she poses the question: “How would people remember forced removals in other, less publicised cases in the country?”

As stated above, my thesis argues that the master narrative of restitution shapes claimant memories of the past and hence, the way in which they engage their claims in the restitution process. In the context of Stellenbosch, this narrative takes the shape analogous to that of the national narrative. In their recollections of life before removals and reasons for lodging their claims, claimants respond to the collective memory of the past which is being shaped by the master narrative of restitution. In this regard, Eyerman (1991: 162) in his discussion on the master narrative says that the “... past becomes the present through symbolic interactions, through narrative and discourse, with memory itself being a product of both, called upon to legitimate identity, to construct and reconstruct it.” Similarly Baines argues that historical memories are constantly refashioned to suit present purposes - “... collective memories survive only to the degree that they accommodate individuals’ demands for a usable past” (Baines 2007: 169, 175).

With regard to restitution in South Africa specifically, Bohlin (2007: 125) has noted how “on a symbolic level” the restitution programme has played “... a crucial role in terms of how it defines the significance of the past in present day South Africa.” Her study of land claimants in Kalk Bay in the Western Cape shows how the land claims process there involved the production and reshaping of representations of the past. In her study among Black River claimants, Dhupelia-

Mesthrie (2006: 27) quotes Du Toit in describing restitution as “a door that leads directly to revisiting the past: to lodge a claim is ... to re-awaken those old ghosts and open half-healed wounds.” In her interviews with former Black River residents she found that at the time of lodging their claims “... the past was recalled in a fairly happy way – their lives, homes, activities” (Dhupelia-Mesthrie 2010: 97). However, as time went on this happiness did not last. Rather, “... the loss has become more real” (2010: 98).

How has this construction and reconstruction of memory played itself out among claimants in the Stellenbosch context? Stellenbosch was a very particular environment – a relatively small town in the 1950s. The area known as *Die Vlakte* was a racially integrated and harmonious community. Although *Die Vlakte* was located, at the time, within a larger apartheid structured context, the inhabitants of *Die Vlakte* did not identify with the racial categories stipulated by the Population Registration Act of 1950, but identified themselves as Stellenboschers. However, with the implementation of the Group Areas Act in the early 1960s, this once close-knit and integrated community was torn apart and geographically divided according to the racial categories of the Population Registration Act.

When asked what motivated them to lodge claims for their former land, all the claimants I interviewed told stories of a better life before the Group Areas Act, where people lived together in an integrated way. At the same time, the material and the symbolic aspects of the claim were tightly interwoven, as captured in my interview with Mr. February when he read what he indicated on his claims form. In response to the reason why he had lodged the claim, Mr. February stated that it is because they were humiliated and disowned. They were forced out of their home, which they owned, into a smaller plot which the February family was not accustomed to. He also added that they were removed from their central location in *Die Vlakte*, where they were close to the centre of town and their place(s) of work.

Walker (2008: 36) is of the belief that the master narrative controls and organises countless individual stories. These include memories of place, of what was lost “... the struggle to hold onto the land.” In recalling life in *Die Vlakte*, claimants present a happier, better and harmonious

place. They therefore reconstruct the place from which they were removed, and it is these recollections which are shaped by the master narrative of restitution. It is believed that place encompasses the ways we construct and contest meanings of particular, often named, places (Baldwin *et. al.* 2004: 141). Gieryn (2000: 468) argues that, "... the making of places includes facets of identifying, designating, designing, using, interpreting, and remembering ..."

Claimants emphasised the importance of land and the connection to place in terms of their families – past and future: "*It was my father's land,*" noted Mr. Jacobs, while Mr. Alexander spoke of his children's heritage:

We wanted to get something back. Something that was part of us. You know that ... I don't think so much in monetary terms ... in valuation ... it's not that, it's not that. It's sentimental. We all decided that even when we do get anything out of this exercise, there would be some remnants that we would be able to pass on to the children. But we insisted that from day one that particular ground where we were born from, we not going to concede from anything but the return of our land (Interview, Alexander, September 2009).

Accompanying these stories of a better life and further strengthening their claim to urban land in Stellenbosch, claimants told stories of dispossession and removal. This relates to Hall, (2010: 33-34) referring to Dhupelia-Mesthrie, in that the restitution programme only recognises victims of dispossession and not beneficiaries. These stories, shaped by the master narrative of restitution are captured in a quote by Fay and James (2006: 13, 2010: 52):

Such stories position claimants as particular kinds of persons or groups of people, able to fit into the categories of eligibility of a particular restitution policy.

Removals and relocation in *Die Vlakte* were characterised by a situation in which everything was lost and which resulted in the social context itself becoming confusing, with a happy and peaceful neighbourhood torn apart and friends and families spread out to different areas. The implementation of the Act was described as a traumatic event, one in which their rights were taken away and close knit communities scattered. Through retelling these convincing or “compelling” (Fay and James 2010: 52) stories of dispossession, Stellenbosch claimants are able to identify themselves with the category of “victims of forced removals” and thus form part of a specific group, with a particular claim on the state, which is distinct from the broader South African society. As Fay and James (2010: 45) state, “... restitution requires the establishment of new forms of imagined community” in which the stories claimants tell about the destruction of their happy past strengthen their resolve and “... strategically position themselves in a wider social discourse” (Fay and James 2010: 52).

Through retelling stories of a “better life” and stories of the devastation of dispossession and removal, the claimants are socially placed as land claimants within the broader imagined community of land claimants within the master narrative of restitution. In order for their continued inclusion in the collective, the claimants need to “give off” the right cues (Goffman 1990) of “compelling” memories of dispossession to ensure their continued social placements as land claimants in this new form of “imagined community.” In this way the performance within the narrative of restitution can continue. The claimants who form part of the collective within the narrative, therefore, maintain their social existence through continuous inference. In telling “compelling” or “convincing” stories, the claimants have thus provided the correct cues and have therefore, accepted the “definition of the situation” (Goffman 1990: 15) or collective memory which is informed by the master narrative. Bohlin (2007: 17) says that “... memory has increasingly come to be viewed as a complex and dynamic process that is intrinsically linked or bound up with social and cultural contexts.”

Not only are the claimants memory related to the place from which they were dispossessed, but they are also linked to what Gieryn (2000: 471) refers to as a “sense of place” – that is, “places [which] are endlessly made” by social agents and when these social agents “... extract from

continuous and abstract space a bounded, identified, meaningful, named and significant place.” For example, Imam Toefy stressed that the Toefy family lodged the claim because it was their property which were “near to my Mosque” (Interview, Toefy September 2009) Gieryn (2000: 473) says that “... place: stabilizes and gives durability to social structural categories, differences and hierarchies; arranges patterns of face-to-face interaction that constitute network formation and collective action; embodies and secures otherwise intangible cultural norms, identities, memories ...” In response to the interaction between the residents of *Die Vlake*, Mr. Toefy indicated that “*die lewe tussen die mense daardie tyd ... die Christene en die Muslims was baie mooi. En ons het respek gehad vir mekaar op Die Vlake*” [Life among the people back then... the Christians and the Muslims was very nice. And we had respect for one another in *Die Vlake*].

5.2. *Die Vlake*: The making of place

In the memory of the claimants interviewed, the social life of residents of *Die Vlake* was reconstructed as one of social integration and mutual respect. Coloured and white residents lived alongside one another. Although racial segregation of public amenities and facilities existed, the manner in which residents interacted was remembered as amicable. In this respect the perspectives of the claimants I interviewed confirm a dominant theme in the secondary literature on the history of Stellenbosch with regard to the integrative, amicable and mutually respectful nature between coloured and white residents of *Die Vlake*. It should be critically noted that although there was a „racial harmony’ among coloured and white residents, this is one which is not particularly welcoming of non-Afrikaans speaking people. In addition, there was a religious diversity which was tolerated within the coloured community.

It could also be said, that to some extent the community of *Die Vlake* was a language community. It could be argued that if memory is serving the present, as I argue in my thesis, why would claimants foreground this aspect? Could it be their desire for inclusion? Or could it be their desire for a more ordered past? This is a theme which could be discussed in further research.

Most of the claimants viewed their lives before the implementation of the Group Areas Act as much better than currently and as untouched by apartheid. In the words of Jacobs in his interview: “There was no apartheid. I did not grow up in apartheid ... I was not born in apartheid... We play with whites ... whites, blacks and Coloureds ... we play together” (Interview, Jacobs, July 2009). Similarly, in the Osman interview it was said that “life was good and safe. People from different cultures and religions lived together ... we had such wonderful relationships” (Interview, Osman, June 2009). In the Toefy interview referring to life before the Group Areas Act, it was said that it was “*Mooi. Die blanke, hulle het baie respek gehad ... baie respek gehad. Ek het nogal 'n mooi verhouding gehad.* [Beautiful. The whites, they had a lot of respect ... they had a lot of respect. I actually had a beautiful relationship with them].” (Interview, Toefy, September 2009). For the claimants the racial category of coloured and white, (as per the Population Registration Act of 1950) seemed to be far less significant than a common identity of being, “Stellenboschers.”

Many historians of Stellenbosch paint a similar picture. According to Hendrich (2006), the mixture of different ethnicities and cultures became intertwined to develop the unique heterogeneous town character. In his abstract he states that “particularly in the town centre of Stellenbosch, white and coloured residents lived side by side in undisturbed harmony and ... in the social life a healthy mutual relationship prevailed.” Biscombe (2006: 16) argues that “*alhoewel Die Vlaktes meestal bewoon was deur Kleurlinge ... almal het mekaar geken en lekker saamgewoon* [Although *Die Vlaktes* were predominantly inhabited by coloured ... everyone knew each other and lived well together]. Giliomee (2007: 113) says that over the centuries, white and coloured people in Stellenbosch, formed a community which worked together and resembled a family. Similarly, Biscombe (2006: 22) quotes a respondent in saying, “*ons was een groot, wonderlike familie* [We were one big, wonderful family].” Despite the fact that the schools, churches and municipal facilities were segregated, there was no doubt in the minds of claimants that Stellenbosch town belonged to everyone. At the same time, negative issues relating to social ills (such as gangsterism, disease, etc.) within the area that have been documented by Fransch (2009: 96, 117, 122 and 123) were not recalled. Instead, many scholars and authors depict a close-knit community where everyone knew one another (Biscombe 2006:

22). A community in which people from different races lived alongside one another (Boonzaier *et. al.* 1995: 4) and where people did not identify with coloured and white racial categories, but identified themselves as Stellenboschers (Giliomee 2007: 113). In this regard, Hendrich (2006: 32) highlights that “... one of the less prominent aspects of the history of the white and coloured social relationship was the impact of exciting happily filled or just plain social experiences which fascinated the residents of Stellenbosch.”

However, although both responses from claimants and information from the literature attests to this mutually respectful relationship which existed among Stellenboschers, we should think critically about how this relationship could have existed at a time of segregationist discriminatory framework of apartheid in South Africa. The memories of claimants as well as the literature pertaining to the life of the residents of *Die Vlakte* before the Act can be seen as involving a nostalgic and/or paternalistic recollection. The positively notalgic memory of life before the Act overshadows the squalid conditions and other social ills also found in *Die Vlakte* at the time. According to Fransch (2009: 122) those coloured people living in poorer conditions had no bathrooms. In addition, the washing facilities provided usually serviced at least twenty other dwellings. He says that several of the places had been described as slums (Fransch 2009: 123).

One way of understanding this, I have argued, is through, the notion of paternalism. Fotion has defined paternalism as drawing on the idea of a family relationship between a father and a child (Fotion, 1979: 191) which throws new light on Giliomee’s claim that Stellenboschers were all one big happy family. Paternalism is dated back to the era of feudalism, of the master-servant, or master-slave relationship (Fotion 1979: 191). However, in the social life of *Die Vlakte* it was less of a master-slave relationship and more of a “father-child” relationship or “dominating friend” (Fotion 1979: 192), referring to the white residents. Under paternalism the “master” or father knows what is best for the servant or child and the servant subsequently accepts this situation and surrenders to the hands of the “master.” Kees van der Waal⁶⁷ has pointed out that “If both accept

⁶⁷ Prof. Kees van der Waal is Professor of Social Anthropology at the Department of Sociology and Social Anthropology, University of Stellenbosch.

that paternalism, then you can have wonderful relations” (Interview, August, 2009). He makes an interesting analogy, when he says that “... in the same way, in a marriage, if the wife is chained in a kitchen and she accepts that ... you know ... it can be a wonderful relationship ... you can have a wonderful relationship within that structure.”

When asked what he thought the reasons were for the amicable relationship between the people of *Die Vlakte*, in a telephonic interview, Giliomee (October 2009) provided three suggested themes which could describe this social life, however, only two of the themes are applicable for the purposes of my thesis. Firstly, the Stellenbosch coloured community was more conservative with regard to voicing their opinions in response to discriminatory laws and regulations. Secondly, the existence of activist organisations and activists were minimal or even absent (Giliomee October 2009). According to Giliomee (October 2009) *Die Vlakte* was not conducive for “an environment for activism.” These themes, according to Giliomee (October 2009) can only be suggested and further research needs to be undertaken to investigate this.

My thesis therefore suggests that this notion of an integrated, amicable, mutually respectful relationship between the coloured and white residents of *Die Vlakte* could have functioned within the structure of paternalism (accepted by all social actors located within this structure). It should be noted that although paternalism does predate apartheid, it could have functioned within the apartheid framework of discrimination and segregation by the social actors involved, accepting and internalising their social roles. Although this is not the focus of my thesis it needs to be investigated more thoroughly by future research projects.

5.3. “A new life”

According to Boonzaier *et. al.* (1995: 2) the implementation of the Group Areas Act made it compulsory for the Municipality of Stellenbosch to provide alternative housing to those who had to be removed from the town. This was made available through the existing land of Idas Valley and the then “new” coloured area, Cloetesville (Boonzaier *et. al.* 1995: 2 and Giliomee 2007: 199). Biscombe (2006: 224) says that “*die implikasies en toepassing van die Groepsgebiedewet*

was wreed ontwrigtend en mense moes 'n nuwe bestaan elders maak [The implication and implementation of the Group Areas Act was a cruel occurrence and people had to make a new start elsewhere].“ Many coloured people see it as the reason why they are still struggling (Biscombe 2006: 224). “They were forced to move to places they did not even know about and out of Stellenbosch” (Interview, Osman, June 2009). *Jy moet kom ... hier kom bly ... ons ken miskien nie mense nie ... jy moet weer van oor begin, mense leer ken* [You must come ... come live here ... we maybe do not know people ... you have to start from over, get to know people]. You had to rebuild. They took away everything of you. It was bad. You had to rebuild]” (Interview, Jacobs, July 2009). In quoting a respondent, Giliomee (2007: 202, 207) states that in the new residential areas there was a huge lack of services. In addition, people were further away from the business, schools and churches in the town centre – which was close to their hearts.

5.4. Claimants and their perception of the land claims process

In this section I discuss claimants’ perceptions of their experiences in the land claims process. Speaking to the non-material aspects generated by the restitution programme, Walker (2008: 232) states that,

The [restitution] programme brings to the fore issues around loss and memory... that extent beyond what land reform as a government programme can take on...

Claimants viewed the restitution programme as “getting something back” (Interview, Alexander, September 2009) – not simply for themselves but for their families, especially their children. That is, receiving some form of justice for their dispossession. As was stated in the Osman interview “we will go to the land claim act route to get the property on my name” (Interview, Osman, June 2009). In reference to compensation for their claim, Mr. Jacobs indicated that if they (Hendricks family) “can get that money, why can’t I get the money” (Interview, Jacobs, July 2009). In the Alexander interview, in reference to the claimants it was said that “they were actually looking forward to the day when they could perhaps get some kind of satisfaction out of

the exercise, you know” (Interview, Alexander, September 2009). Speaking to the usefulness of the land claims process, it was stated that “we all decided that even when we do get anything out of this exercise, there would be some remnants that we would be able to pass on to the children” (Interview, Alexander, September 2009).

The responses were, however not wholly on the benefits of the restitution programme for the claimant, but highlighted some of the limitations and flaws within the programme itself, from the point of view of the claimants. Firstly, the claimants commonly highlighted the lengthy duration of the land claims process, complaining that the process has taken too long. Mr. February said that “I’m digusted! We’ve been waiting, I don’t know how long ... So, I don’t know how long it is still going to take” (Interview, February, September 2009). In the words of Mr. Jacobs, “It’s a bit slow” (Interview, Jacobs, July 2009). Similarly, Mr. Osman stated that “it was a long and slow process, and still is” (Interview, Osman 2009). “*n Lang proses*” [Long process] (Interview, Toefy, September 2009). One of the more painful consequences of the wait was that elderly claimants were dying before having their claims settled – while “we were busy in the land claims, two, three of them have passed away” (Interview, Alexander, September 2009).

The claimants who participated in my thesis are clearly frustrated because the land claims process is taking so long to come to conclusion and for them to receive their respective settlements. In this respect, the Stellenbosch claims mirror other cases. In discussing her respondents, Dhupelia-Mesthrie (2010: 93) says that “the story they tell is of the long waiting period ...” She quotes a respondent who joked that “... some day I will have to take the box ...” referring to a coffin, but making a play on a once-popular radio show in which contestants were asked to choose between “the money or the box.”

Bohlin’s study of claimants in Kalk Bay and Knysna shows how “passing of time” in the land claims process led many claimants to shift from the land option to monetary compensation. According to Bohlin, this was closely linked to the claimants’ age and their need to enjoy the benefits of their claim before they died.

Secondly the claimants highlighted administrative flaws and failures in the land claims process. This has been documented in other cases. Mr. Alexander stated that his paperwork was lost more than once by officials at the RLCC office in Cape Town. When I asked Mr. Alexander what their reasons were for the loss of paperwork, he said that they said “Nothing, they just lost it. It’s gone!”

Lastly, claimants were not satisfied with the attitude of the staff at the Commission. According to Imam Toefy, he had to go through a lot of processes, and that the officials did not make things easy. “*O jene ... hulle het niks gemaklik gemaak nie* [Oh ... they made nothing easy]” (Interview, Toefy, September 2009).

In reference to the impersonal and callous nature of the Commission’s staff, Dhupelia-Mesthrie (2010: 89) quotes a claimant who opted for land; however, the original piece of land was not available. The claimant describes the reaction of the Commission’s staff:

And guess what they told me? We can’t put those people out. I said I didn’t tell you to put the people out. I want to buy the place but not at that price. So they said, no, but we can’t do anything about it. We can’t tell the people to lower the price for you. So I said, yes, but you [government] could throw us out. Wasn’t that a nasty thing to do? ... So they said either you can get another piece of land or you can take the money ... So I said ... I don’t want another piece of land. Where you going to give me land? There’s no land there. Where you going to give me land? He said, then the alternative is you will have to take the money. So cold and callous (Dhupelia-Mesthrie 2010: 89).

Dhupelia-Mesthrie’s (2010: 89) quotes an interviewee in reference to the restitution programme states that, “they failed me.” Although the restitution programme provides those dispossessed of their land by racially discriminatory laws to reclaim their “right in land”, it is marred with limitations and shortcomings. The claimants’ experience and perception of the staff included: (i)

the lengthy duration of the land claims process; (ii) administrative flaws and failures of the land claims process; and (iii) the impersonal, cold and, according to the claimants', callous attitude of the Commission's staff. In discussing Part 2 "Restitution Voices," in their publication, Walker *et. al.* (2010: 7) state that "although the specific contexts discussed in this part differ, it is possible to trace certain continuities across them, most notably claimants' generally negative experience of the bureaucratic inefficiency and long delays they have faced in processing their claims." These limitations and shortcomings of the Commission's office need further investigation, investigation which exceeds the focus of my thesis. It should also be noted, Walker (2000: 7) critiques the restitution process in struggling "... to satisfy the demands placed on it and to settle the debts of the past."

To summarise, the little town of Stellenbosch and specifically the area of *Die Vlakte*, had a particular history and social relationships which, before the Group Areas Act characterised a racially integrated, harmonious and closely-knit community who considered themselves not as coloured and white, but as Stellenboschers. My thesis drew on five case studies (Chapter 4) to investigate whether claimant memory is shaped by the master narrative of restitution with reference to the literature review in Chapter 3. I was able to gain useful insights engaging claimants over a period of time and investigating life before the Act and the reasons they have lodged their claims for restitution. It should be noted that my thesis is not aimed at providing fixed evidence of the past, but "... to open the past up to multiple interpretation and voices" (Kaneva 2006: 14).

My research has therefore found that the local master narrative of the five claimants who have lodged claims to urban land in Stellenbosch (specifically, the area previously known as *Die Vlakte*) is similar to the national master narrative. In the recollection of life in *Die Vlakte*, the place which is reconstructed through their memories, claimants provide a picture of a harmonious community – of a better, happier time⁶⁸ (Fay and James 2010: 44). In this regard,

⁶⁸ According to Walker (2002: 8), "the social dislocation of individuals, families and communities by the policies of the past... continues to undermine social cohesion and retard development factors, while fuelling nostalgia for the perceived values and harmonies of the past."

they present narratives as “victims of removals or dispossession,” through recounting how this close-knit and integrated community was ripped apart by the Group Areas Act and the fact that they were dispossessed of their land. In this way, claimants present their stories for “official recognition and validation” (Walker 2000: 2-3). In relaying these narratives of removals and dispossession they thus draw on the master narrative, from which they derive legitimacy (Walker 2000: 7) in order to legitimise their own claim to land and in so doing, placing themselves within the “new” form of imagined communities (Fay and James 2010: 46), of land claimants.

Sources

PRIMARY SOURCES

WESTERN CAPE ARCHIVES DEPOT

3/STB 1/1/9/1, Minutes of Report of the Finance Committee, Tuesday, 8 November 1949 at 19h30.

3/STB 1/1/9/1, Minutes of Report of the Finance Committee, Tuesday, 29 November 1949 at 20h00.

3/STB 1/1/9/1, Minutes of meeting with Registered Voters in the Municipality of Stellenbosch, 13 November 1947 at 20h00.

3/STB 1/1/9/1, Minutes with Voters in terms of Article 259 of Ordinance, Number, 19 of 1951, 22 July 1954 at 20h00.

3/STB 1/4/1/1, Public meeting called by the Council in connection with the proposal to establish a location at Stellenbosch and to provide housing at the location under sub-economic scheme, 13 October 1938 at 20h00.

3/STB 5/2/1/1, Mayors Report from September 1957 to August 1958.

MUNICIPALITY OF STELLENBOSCH (IMS – Information in Connection with the Municipality of Stellenbosch)

US I.M.S. (August - September 1946). US Gericke Library. Africana Section. No. 9.

US I.M.S. (December 1946). US Gericke Library. Africana Section. No. 13.

US I.M.S. (January 1947). US Gericke Library. Africana Section. No. 14.

US I.M.S. (July 1955). US Gericke Library. Africana Section.
US I.M.S. (January 1956). US Gericke Library. Africana Section.
US I.M.S. (February 1956). US Gericke Library. Africana Section.
US I.M.S. (June 1956). US Gericke Library. Africana Section.
US I.M.S. (22 May 1959). US Gericke Library. Africana Section. No.1.
US I.M.S. (3 July 1959). US Gericke Library. Africana Section. No. 1.
US I.M.S. (11 September 1959). US Gericke Library. Africana Section. No. 1.
US I.M.S. (2 October 1959). US Gericke Library. No. 1.
US I.M.S. (13 November 1959). US Gericke Library. No. 1.
US I.M.S. (1959-1966). Vol. 1. No. 1-71.

OFFICIAL PUBLICATIONS

Commission on the Restitution of Land Rights. (2003). *Land Restitution in South Africa: Our Achievements and Challenges*. Pretoria. Commission on the Restitution of Land Rights.

Commission on the Restitution of Land Rights. (2005). *Annual Report for the Year Ended 31 March 2005*. Pretoria. Commission on the Restitution of Land Rights.

Commission on the Restitution of Land Rights. (2006). *Annual Report for the Year Ended 31 March 2006*. Pretoria. Commission on Restitution of Land Rights.

Commission on Restitution of Land Rights. (2007). *Annual Report for the Year Ended 31 March 2007*. Pretoria. Commission on the Restitution of Land Rights.

Commission on Restitution of Land Rights, (2008). *Annual Report 2007/08: Land Reform is Everybody's Business*. Pretoria. Commission on the Restitution of Land Rights.

Commission on Restitution of Land Rights. (2008). *Annual Report for the Year Ended 31 March 2008*. Pretoria. Commission on the Restitution of Land Rights.

Commission on Restitution of Land Rights. (2010). *Annual Report: From 1995 to March 2010*. Pretoria. Commission on the Restitution of Land Rights.

Republic of South Africa. Statutes of The Republic of South Africa. (1966). No. 1 – 63. Pretoria: Government Printer,

Republic of South Africa. Interim Constitution of the Republic of South Africa, Act, 200 of 1993. Pretoria: Government Printer,

Republic of South Africa. Restitution of Land Rights Act. Act 22 of 1994. Pretoria: Government Printer.

Republic of South Africa. The Constitution of the Republic of South Africa, Act 108 of 1996. Pretoria: Government Printer.

The Commission News. (2008). Commission on Restitution of Land Rights.

IN-DEPTH INTERVIEWS

Mr. Alexander and Mrs. Leon (Eersteriver): February to December 2009.

Mr. Cupido (Idas Valley, Stellenbosch): August 2009

Mr. February (63 Rustenburg Street, Idas Valley): February to December 2009.

Mr. Jacobs (17 Baker Street, Idas Valley): February to December 2009.

Kees, van der Waal, Prof. (Department of Sociology and Social Anthropology, University of Stellenbosch): August 2009

Mr. Osman and Mr. Osman (Bird Street, Stellenbosch): February to December 2009.

Mr. Toefy (31 Helshoogte Street, Idas Valley): February to December 2009.

SECONDARY SOURCES

Babbie, E. & Mouton, J. (2001). *The Practice of Social Research*. Cape Town: Oxford University Press of Southern Africa.

Baines, G. (2003). *The Politics of Public History in Post-Apartheid South Africa*. Grahamstown: Rhodes University.

Baines, G. (2007). *The Politics of Public History in Post-Apartheid South Africa*. In Hans Erik Stolten (ed), *History Making and Present Day Politics. The Meaning of Collective Memory in South Africa.* Uppsala: Nordic Africa Institute.

Baldwin, E, Longhurst, B, McCracken, S, Ogborn, M, Smith, G. (2004). *Introducing Cultural Studies*. Revised First Edition. London: Prentice Hall.

Biscombe, H. (2006). *In Ons Bloed*. Stellenbosch: Sun Press.

Bohlin, A (2010). *Choosing Cash over Land in Kalk Bay and Knysna. The Time Factor in Urban Land Claims*, in Cherryl Walker, Anna Bohlin, Ruth Hall, and Thembele Kepe (eds), *Land, Memory, Reconstruction, and Justice: Perspectives on Land Claims in South Africa*. Athens: Ohio University Press.

Bohlin, A. (2004). *A Price on the Past: Cash as Compensation in South African Land Restitution*. *Canadian Journal of African Studies / Revue Canadienne des Études Africaines* Vol. 38, No. 3. Pp. 672-687.

Bohlin, A. (2007). *Claiming Land and Making Memory: Engaging with the Past in Land Restitution*, in Hans Erik Stolten (ed), *History Making and Present Day Politics. The Meaning of Collective Memory in South Africa*. Uppsala: Nordic Africa Institute.

Bohlin, A. (2007). In the eyes of the sea: Memories of place and displacement in a South African fishing town. Gothenburg Studies in Social Anthropology [16]: Acta Universitatis Gothoburgensis.

Boonzaier, I, *et. al.* (1995). *Die Politieke Invloed op die Tradisionele Woongebiede van veral Bruinmense in die Stellenbosch-Distrik na 1950 en die Sosiaal-Maatskaplike Gevolge van die Gedwonge Verhuising van die Kleurlinge uit die Middedorp van Stellenbosch*. Stellenbosch: Stellenbosch Museum, Erfurt Huis.

Centre for Development and Enterprise (CDE). (2005). Land Reform In South Africa: A 21st Century Perspective. *Research Report* No. 14. Johannesburg: CDE.

Centre for Development and Enterprise (CDE). (2008). Land Reform In South Africa: Getting Back On Track. *Research Report* No. 16. Johannesburg: CDE.

Coan, S. (2001). Interview with Cherryl Walker. *Unpicking history's knots*. Natal Witness, 22 February 2001.

Coser, L. A. (eds). (1992). Maurice Halbwachs on Collective Memory. London: The University of Chicago Press.

Dodson, A. (2010). Unfinished Business: The Role of Government Institutions after Restitution of Land Rights, Cape Town, in Cherryl Walker, Anna Bohlin, Ruth Hall, and Thembele Kepe (eds), *Land, Memory, Reconstruction, and Justice: Perspectives on Land Claims in South Africa*. Athens: Ohio University Press.

Dhupelia-Mesthrie, U. (2010). Urban Restitution Narratives. Black River, Cape Town, in Cherryl Walker, Anna Bohlin, Ruth Hall, and Thembele Kepe (eds), *Land, Memory, Reconstruction, and Justice: Perspectives on Land Claims in South Africa*. Athens: Ohio University Press.

Dorsett, S. (1999). Restitution of Urban Land in South Africa: The Story of District Six. *University of New South Wales Law Journal* 180. Vol. 22, No. Pp. 180-204.

Dougal, S, & Rotello, G. M. (1999). Context Effects in Recognition Memory. *The American Journal of Psychology*. Vol. 112, No. 2. Pp. 277-295.

Ellis, W. (2010). The ≠Khomani San Land Claim against the Kalahari Gemsbok National Park Requiring and Acquiring Authenticity, in Cherryl Walker, Anna Bohlin, Ruth Hall, and Thembela Kepe (eds), *Land, Memory, Reconstruction, and Justice: Perspectives on Land Claims in South Africa*. Athens: Ohio University Press.

Eyerman, R. (2004). The Past in the Present: Culture and the Transmission of Memory. *Acta Sociologica*. Vol. 47, No. 2. Pp. 159-169.

Fay, D., and James, D. (2010). Giving Land Back or Righting Wrongs? Comparative Issues in the Study of Land Restitution, in Cherryl Walker, Anna Bohlin, Ruth Hall, and Thembela Kepe (eds), *Land, Memory, Reconstruction, and Justice: Perspectives on Land Claims in South Africa*. Athens: Ohio University Press.

Fotion, N. (1979). Paternalism. *Chicago Journals*. Vol. 89, No. 2. Pp. 191-198.

Gieryn, T. F. (2000). A Space for Place in Sociology. *Annual Review of Sociology*. Annual Reviews. Vol. 26. Pp 463-496.

Giliomee, H. (2007). *Nog Altyd Hier Gewees: Die Storie van 'n Stellenbosse Gemeenskap*. Paarl: Tafelberg-Uitgewers.

Gillham, B. (2000). *Case Study Research Methods*. London and New York: Continuum.

Goffman, E. (1990). *The Presentation of Self in Everyday Life*. London: Penguin Books.

Grunebaum, H. (2001). Re-Placing Pasts, Forgetting Presents. The Direct Action Centre for Peace and Memory. Cape Town: *Published in Research in African Literatures*. Vol.32, No. 3. Pp. 1-14.

Grunebaum, H., & Henri, Y. (2003). Re-Membering Bodies, Producing Histories, in J. Bennet & R. Kennedy (eds), *The Direct Action Centre for Peace and Memory*. London: Macmillan-Palgrave.

Halbwachs, M. (1938). Individual Psychology and Collective Psychology. *American Sociological Society. American Sociological Review*. Vol. 3, No. 5. Pp 615 – 623.

Hall, R. (2004). Land Restitution in South Africa: Rights, Development, and the Restrained State. *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*. Vol. 38, No. 3. Pp. 654-671.

Hall, R., Aliber, M., Andrews, M., Baipheti, M., Cliffe, L., Jacobs, P., Jara, M., Kleinbooi, K., Lahiff, E., and Zamchiya, P. (eds). (2009). *Another Countryside? Policy Options for Land and Agrarian Reform in South Africa*. Cape Town: Institute for Poverty, Land and Agrarian Studies (PLAAS): University of the Western Cape.

Hall, R. (2010). Reconciling the Past, Present, and Future, in Cherryl Walker, Anna Bohlin, Ruth Hall, and Thembele Kepe (eds), *Land, Memory, Reconstruction, and Justice*. United States of America. Ohio: University Press.

Henri, Y. (2003). Reconciling Reconciliation, in P. Gready (ed), *The Direct Action Centre for Peace and Memory*. London: Pluto Press.

Hoskyn, M. (1979). *Stellenbosch Village 1920-1950*. Cape Town: Tafelberg Publishers Ltd.

Huberman, A. M. & Miles, M. B. (2002). *The Qualitative Researcher's Companion*. United States of America: Sage Publications Inc.

Jaichand, V. (1997). *Restitution of Land Rights: A workbook*. Johannesburg: Lex Patria Publishers.

Jansen, S. (2002). The Violence of Memories: Local narratives of the past after ethnic cleansing in Croatia. *Rethinking History*. University of Hull. Vol. 6, No. 1. Pp. 77-94.

Kaneva, N. (2006). *Memories of Everyday Life in Communist Bulgaria: Negotiating Identity in Immigrant Narratives*. Boulder: University of Colorado. Vol. 19. Pp. 1-15.

Kothari, U & Minogue, M. (2002). *Development Theory and Practice: Critical Perspectives*. Hampshire: Palgrave.

Lahiff, E. (2002). *Sustainable Livelihoods in Southern Africa (SLSA). The Politics of Land Reform in Southern Africa, Paper 19*. Brighton: Sustainable Livelihoods in Southern Africa Programme.

Lahiff, E. (2008). *Land Reform in South Africa: A Status Report 2008, Report 38*. RNK Graphics. Programme for Land and Agrarian Studies. Cape Town: Programme for Land and Agrarian Studies.

Lavabre, M. C. (1994). *For a Sociology of Collective Memory*. Berlin: Centre Marc Bloch. (CEVIPOF).

Mabin, A. (1992). Comprehensive Segregation: The Origins of the Group Areas Act and its Planning Apparatuses. *The Journal of Southern African Studies*. Vol. 18, No. 2. Pp. 405-429.

Mack, N., Woodsong, C., MacQueen, K.M., Guest, G., and Namey, E. (eds). (2005). *Qualitative Research Methods: A Data Collector's Field Guide*. North Carolina: Family Health International.

Memmot, P, & Long, S. (2002). Place Theory and Place Maintenance in Indigenous Australia. *Urban Policy and Research*. Vol. 20, No. 1. Pp. 39-56.

Miller, D. L. C. & Pope, A. (2000). *Land Title in South Africa*. Kenwyn: Juta & Co, Ltd.

Miller, D. L. C., & Pope, A. (2000). South African Land Reform. *Journal of African Law*. Vol. 44, No. 2. Pp. 167-194.

Mucchielli, L. (1999). Studying Collective Memory in the Works of the French Sociologist Maurice Halbwachs (1877-1945). *Chargé de recherche au CNRS* : Presses Universitaires du Septentrion. <http://www.cnrs.fr/cw/en/pres/compress/memoire/mucchielli.htm> (accessed 9 October 2009).

Nhlapo, M.S., and Anderson, B. (2010). 1998-2006. *Profiling South African Middle Class Households*. Pretoria: Statistics South Africa.

Pather, C. (2009). What does Durkehim Mean by Social fact? http://www.associatedcontent.com/article/1919792/what_does_durkheim_mean_by_social_fact.html (accessed 10 October 2010).

Platzky, F & Walker, C. (1985). *The Surplus People: Forced Removals in South Africa*. Johannesburg: Ravan Press.

Reddy, T. (2007). From apartheid to democracy in South Africa: A reading of dominant discourses of democratic transition, in Hans Erik Stolten (ed), *History Making and Present Day Politics. The Meaning of Collective Memory in South Africa*. Uppsala: Nordic Africa Institute.

Schietecatte, L., and Hart, T. (2009). *Archaeological Monitoring and Excavation in the Area of Jan van Riebeeck's Earthen Fort at the Grand Parade, Central Cape Town*. Cape Town: Department of Archaeology, University of Cape Town.

Scully, P. (1990). *The Bouquet of Freedom: Social and Economic Relations in the Stellenbosch District, South Africa, c1870-1900*. Cape Town: Centre for African Studies, University of Cape Town.

Sinkler, A. (2007). *The Autopsy to Case Study Selection: Re-evaluating the Role of Case Study Methods in the Social Sciences*. United States of America: Department of Political Science, University of Washington.

Stellenbosch University. (2008). Framework Policy for the Assurance and Promotion of Ethically Accountable Research' of Stellenbosch University (2008). Stellenbosch: Stellenbosch University.

Smuts, F. *et. al.* (1979). *Stellenbosch: Drie Eeue*. Cape Town: Printpak Bpk.

Surplus People Project. (1983). *Forced Removals In South Africa: The Western Cape, Northern Cape and Orange Free State. Volume 3, The SPP Reports*. Cape Town: The Surplus People Project.

Thom, H. B. *et. al.* (1966). *Stellenbosch 1866-1966*. Cape Town: Nasionale Boekhandel Beperk. Elsiesrivier.

Tosh, J. (1994). Social Memory by James Fentress; Chris Wickham. *Social History*. Vol. 19, No. 1. Pp. 129 – 132.

Vromen, S. (1993). Reviewed work(s): Maurice Halbwachs on Collective Memory. *The American Journal of Sociology*. Vol. 99, No. 2. Pp. 510-512.

Walker, C. (2000). Relocating Restitution. *Transformation*. Volume 44. Pp. 1-16.

Walker, C. (2003). Piety in the Sky? Gender Policy and Land Reform in South Africa. *Journal of Agrarian Change*. Vol. 3, No.1 and 2. Pp. 113-148.

Walker, C. (2005a). Misplaced Agrarianization? Reflections on Ten Years of Land Restitution. *Social Research*. Vol. 72, No. 3. Pp. 647-670.

Walker, C. (2005b). The Limits to Land Reform: Rethinking „the Land Question.’ *Journal of Southern African Studies*. Vol. 31, No. 4. Pp. 805-824.

Walker, C. (2008). *Landmarked: Land Claims and Land Restitution in South Africa*. Athens: Ohio University Press.

Walker, C., Bohlin, A., Hall, R., and Kepe, T. (eds) (2010). *Land, Memory, Reconstruction, and Justice*. Athens: Ohio University Press.

Walker, C. (2010). Restitution in Default. Land Claims and the Redevelopment of Cato Manor, Durban, in Cheryl Walker, Anna Bohlin, Ruth Hall, and Thembela Kepe (eds), *Land, Memory, Reconstruction, and Justice: Perspectives on Land Claims in South Africa*. Athens: Ohio University Press.

Western, J. (1981). *Outcast Cape Town*. Pretoria: Human and Rousseau Publishers (Pty) Ltd.

Woodward, K. (ed). (2000). *Questioning Identity: Gender, Class, Nation*. London: Routledge.

Yon, L. (2010). The Nature of Coloured Identity Formation in Democratic South Africa, (Re) Negotiations and Contestations. (Unpublished paper).

MASTERS DISSERTATIONS

Böge, F. (1998). Back to the places of the future? The transformation of places and local identities in the „new’ South Africa: A case study of Land Restitution in Simon’s Town. Berlin. Department of Social Anthropology. Free University, Berlin.

Fransch, C.J.P. (March 2009). Stellenbosch and the Muslim Communities, 1896-1966. Thesis presented in fulfillment of the requirements for the degree of Master of Arts (History) at the University of Stellenbosch.

Hendrich, G. (December 2006). Die Dinamika van Blanke en Bruin Verhoudinge op Stellenbosch (1920-1945). Thesis submitted for the Department of History. University of Stellenbosch.

Kriel, H. (December 2007). Conflict transformation in South Africa: The impact of the Truth and Reconciliation Commission on social identity transformation. Department of Political Science. University of Stellenbosch.

Moabelo, K. E. (November 2007). The Land Claims Process in Limpopo Province: A Case Study of the Makotopong Community, South Africa. Department of Agricultural Economics, Extension and Rural Development. University of Pretoria.

Yanou, M.A. (May 2005). Access to land as a human right: The payment of just and equitable compensation for dispossessed land in South Africa. Department of Philosophy. Rhodes University.

Yon. L. J. (April 2008). Social Diversity and Inclusive Justice: Coloured identities and Nation-building in Democratic South Africa. Department of Political Studies. University of Stellenbosch.

DOCTORAL (PhD) DISSERTATIONS

Rassool, C.S. (May 2004). The Individual, Auto/Biography and History in South Africa. Department of History. University of the Western Cape.

CONFERENCE PAPERS AND SEMINAR PAPERS

Bennett, B. *et. al.* (2007). Reflections on the Conference: Hands on District Six. Landscapes of post-colonial memorialisation. (25-28 May 2005). Cape Town.

Dhupelia-Mesthrie, U. (13-15 September 2006). Urban restitution narratives: Black River, Rondebosch. Unpublished paper presented at the Conference on Land, Memory, Reconstruction and Justice: Perspectives on Land Restitution in South Africa. Houw Hoek Inn, Grabouw. (Published Paper).

Gibson, J. L. (28 August 2001). Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process. Department of Political Science. Washington University. St. Louis Campus. Prepared for delivery at the 2001 Annual Meeting of the American Political Science Association, Hilton San Francisco and Towers, August 30 – September 2, 2001. American Political Science Association.

Mesthrie, U. S. (11-12 November 1991). No place in the world to go – Control by permit: the first phase of the Group Areas Act in Cape Town in the 1950s. Paper in Cape Town History Project Workshop. University of Cape Town.

Mesthrie, U. S. (17 May 1994). The Tramway Road Removals, 1959-61. Institute for Historical Research and the Department of History. South African and Contemporary History Seminar. Tuesday (17 May 1994) at 14h00. Functions room, ground floor, student centre. History Department. University of the Western Cape.

Walker, C. (25-27 March 2004). The Land Question in South Africa: The Challenges of Transformation and Redistribution. Human Sciences Research Council. Harold Wolpe Memorial Trust Conference. Cape Town.

Wood, C. V. (10 August 2006). Memory at Work: Maurice Halbwachs, Sigmund Freud, and the Sociology of Knowledge in Contemporary Studies of Cultural Memory. Paper presented at the annual meeting of the American Sociological Association, Montreal Convention Centre, Montreal, Quebec, Canada Online.

Appendices

Appendix 1: Interview Guide.

Interviews with the claimants were guided by a set of basic research questions which introduced major areas for exploration through the interview:

- 10. How was life for you and your family in *Die Vlake*?**
- 11. What were the social interactions between the residents in *Die Vlake*?**
- 12. What happened during the implementation of the Group Areas Act of 1950 in the area?**
- 13. How was life for you and your family after the Group Areas Act of 1950?**
- 14. Where was your family removed to?**
- 15. Why have you and/or why did you lodge the claim to land?**
- 16. What are/were your experiences of the land claims process?**
- 17. How would you describe your interaction with the land claims officials?**
- 18. What form of settlement have you opted for? And why?**

Appendix 2: Map of Die Vlakte

The black arrows point to the streets in which the five claimants lived.

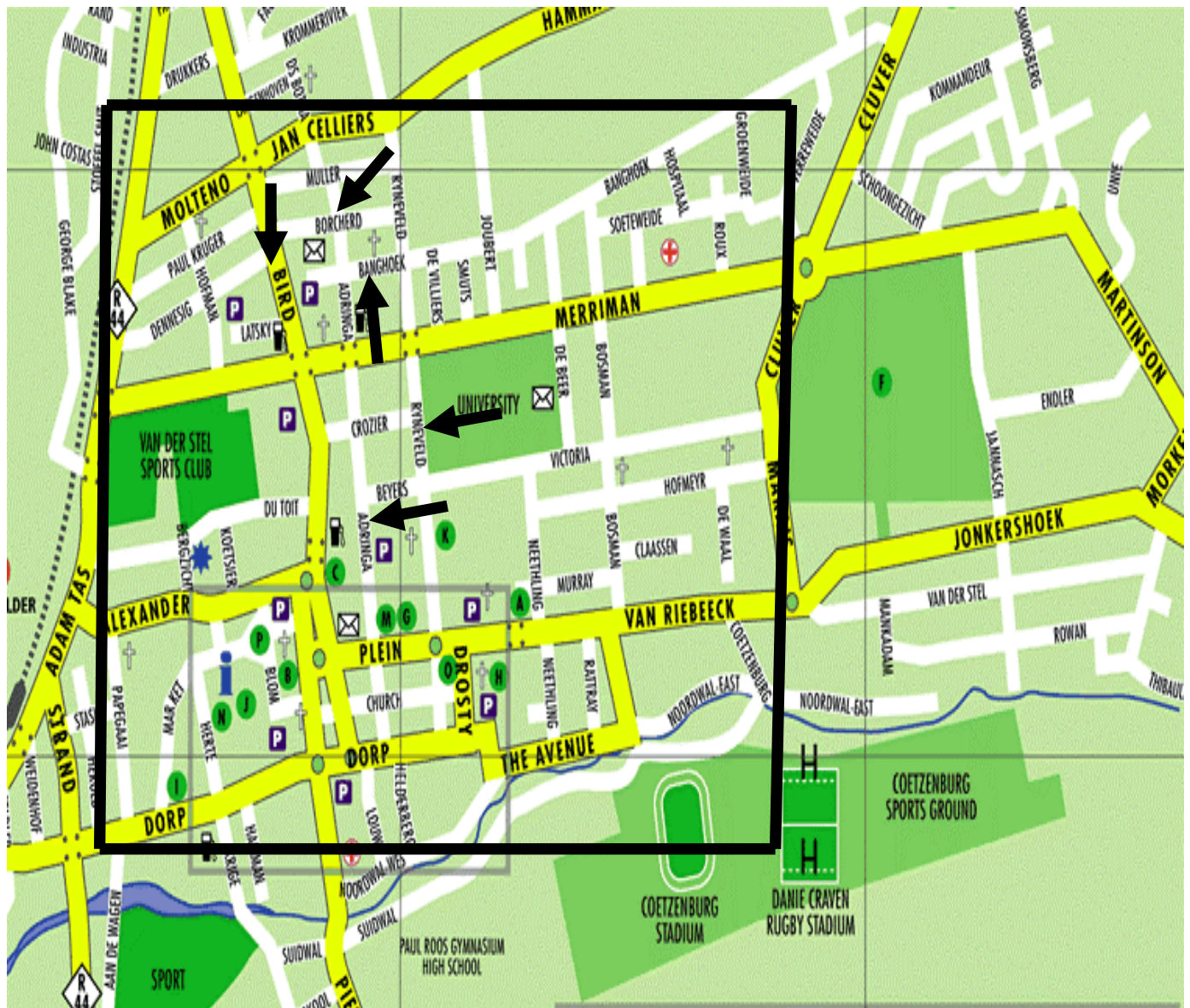


Figure 3: Map depicting Stellenbosch town (demarcated area of *Die Vlakte*) (Source: http://www.wineroute.co.za/images/maps/map_stellenbosch_street.gif [accessed, 31 October 2010])

Appendix 3: Photographs

Plein Street, Stellenbosch. (15.12.1894) (KAB) Dr. J. 129; (B) Plein Street, Stellenbosch (October 2009)



A



B

Church Street, Stellenbosch. (AB 7a: KER); (B) Church Street, Stellenbosch. (October 2009)



A



B

Ryneveld Street, Stellenbosch (AB 7a: REY); Ryneveld Street, Stellenbosch (October 2009)



Andringa Street, Stellenbosch. (AB 7a: AND); (B) Andringa Street, Stellenbosch. (October 2009)

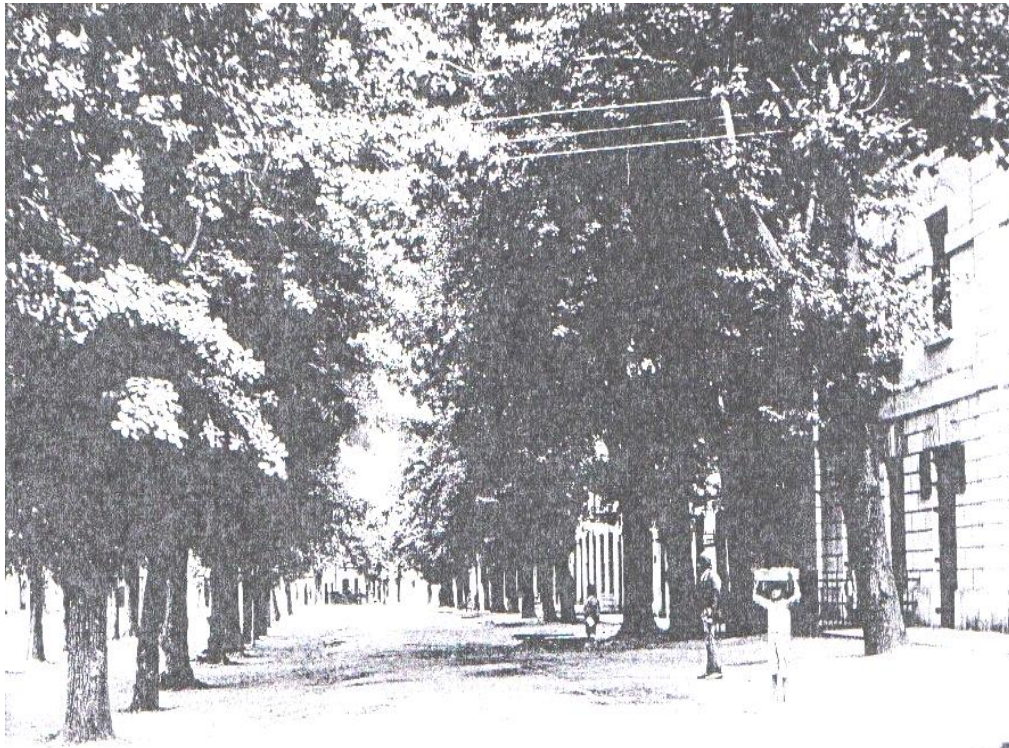


A



B

Bird Street, Stellenbosch. (1909) (15.12.1894) (KAB) Dr. J. 128; (B) Bird Street, Stellenbosch. (October 2009)

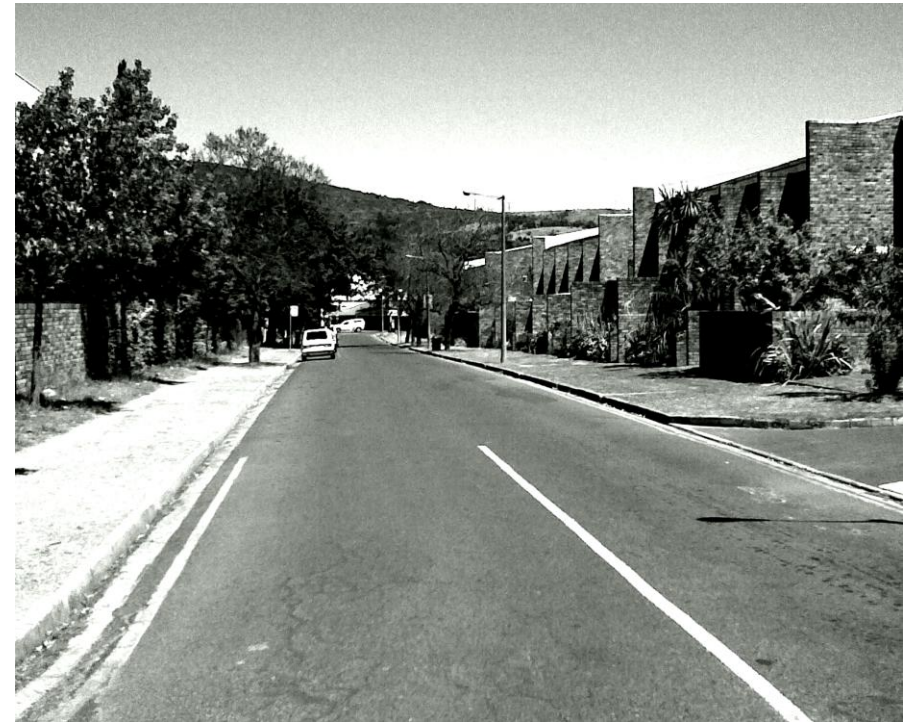
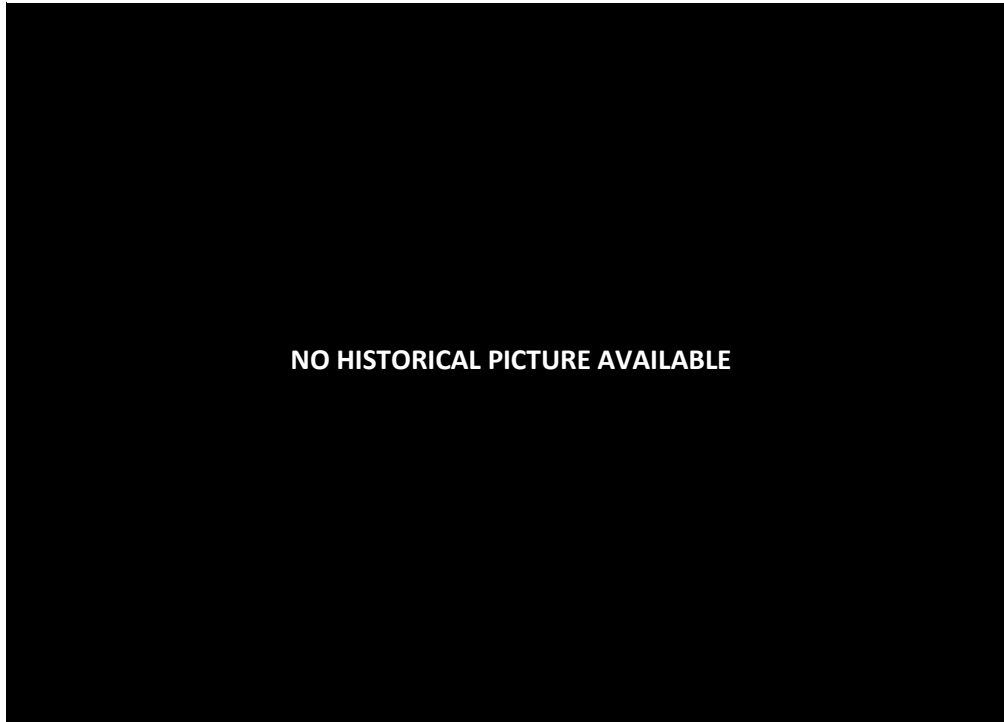


A



B

Borcherds Street, Stellenbosch (A) October 2009



Banhoekweg, Stellenbosch (A) October 2009

NO HISTORICAL PICTURE AVAILABLE



Dorp Street, Stellenbosch. (KAB) E 3033; (B) Dorp Street, Stellenbosch. (October 2009)

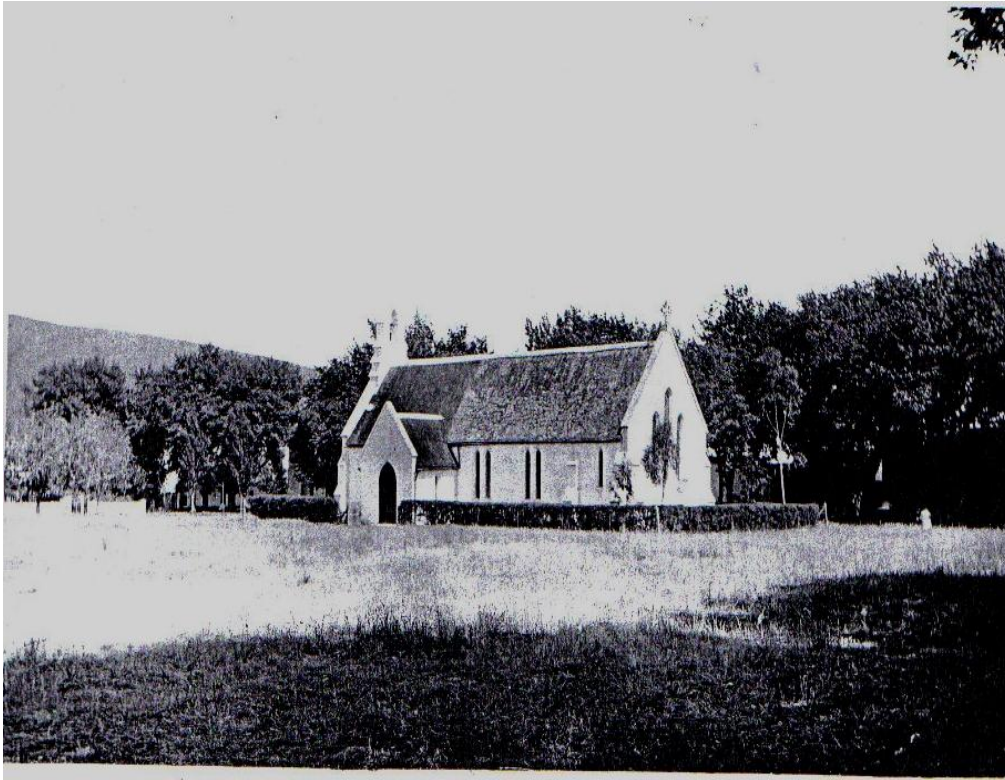


A



B

The Braak, Stellenbosch. (KAB) Dr. J. 121; (B) The Braak, Stellenbosch. (October 2009)



A



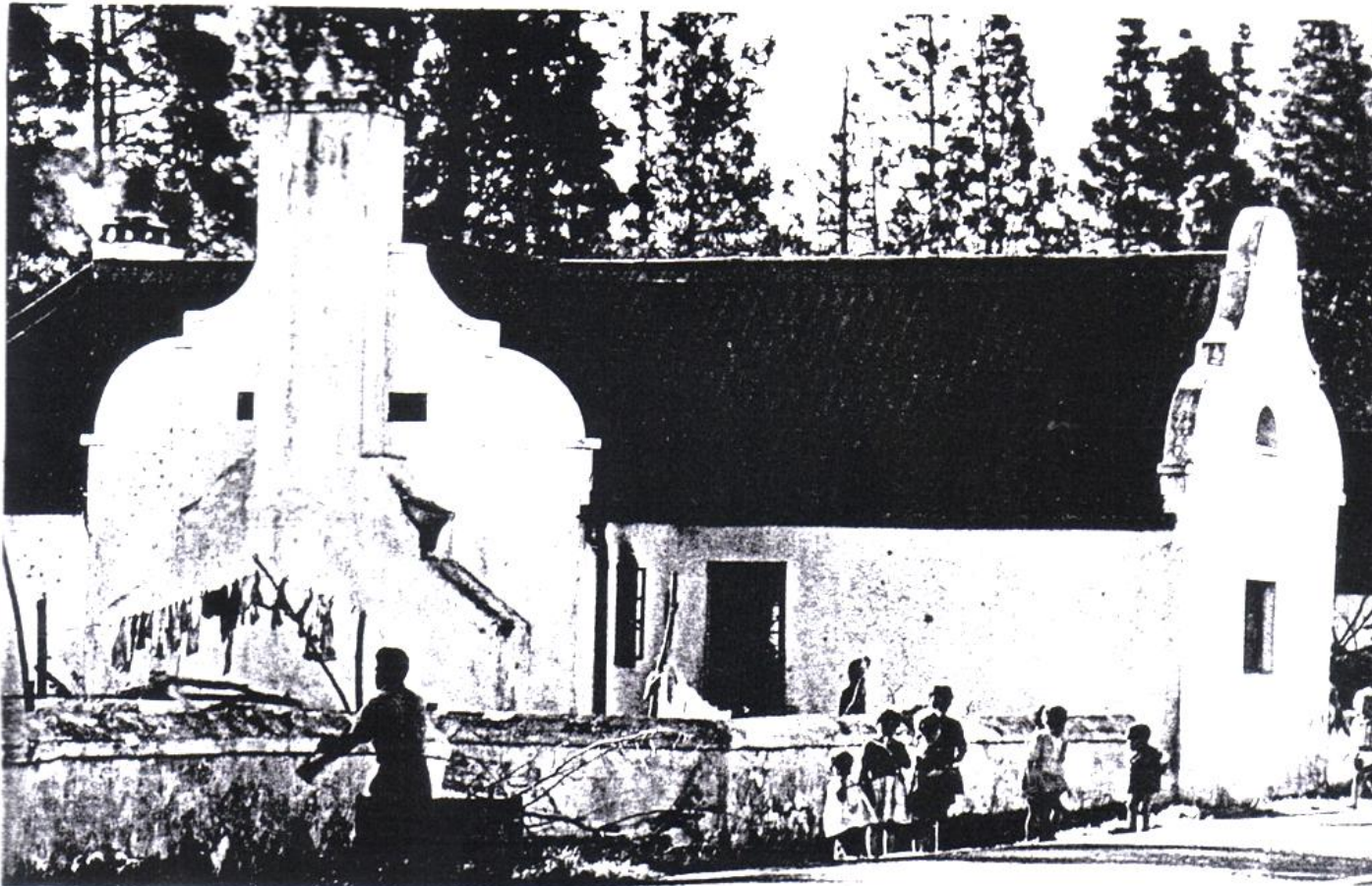
B

Coloured area of Kreefgat, *Die Vlakte*

"KREEFGAT"



Tans "Volkskombuis"
(AAN-DE-WAGENWEG)



De Wets se Gang, Stellenbosch

